December 1975

$1.50

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

Favorite Son

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A PERSONAL PERSPECTIVE...

By Ed Salzman

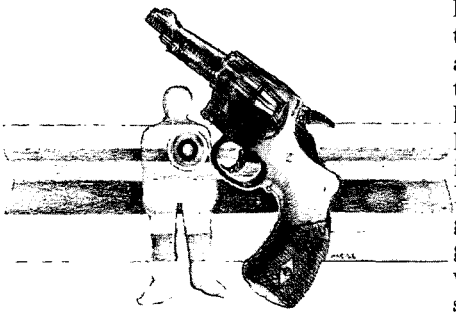
Triggering a gun-control law

Almost any candidate who undertakes the difficult task of walking precincts runs into the citizen who is interested in the answer to only one question: "How do you stand on gun control?" The candidate knows immediately that this is a one-issue voter and that any indication of support for gun-control legislation will lose that vote.

The polls show an overwhelming majority of Americans in favor of much stricter gun-control laws. Louis Harris claims that there is "astounding" public support for gun-control legislation and that even 63 percent of firearm owners favor registration of all guns. The Gallup poll found that 69 percent of Americans want stronger anti-gun laws. Yet, Congress has taken little action. In California, the Legislature has done little to restrict the purchase, registration or possession of weapons.

Over the years, politicians have been scared to enter combat with pro-gun forces. The National Rifle Association usually is credited with spearheading the drive against gun controls, but it is actually the state's hunters who have put the fear of political death into the hearts of legislators. Every time strict gun-control measures are proposed, the war-cry goes up: "Remember Win Shoemaker." Following the killing of Robert Kennedy, then-Assemblyman Shoemaker carried the ball for gun-control legislation and was defeated at the next election.

Assemblyman Alan Sieroty, a Democrat from a safe district, is leading the anti-gun fight now. But there is no indication that any truly restrictive measure will be enacted next year. That is why an initiative measure is being developed by an organization called Coalition for Handgun Control. If the sponsors are successful, Californians will vote next November on a proposal to make it illegal to sell or possess pistols in California. Those hurt most by this sweeping kind of legislation would be hunters. Without getting into the argument over whether hunting is a legitimate sport or a barbaric rite, hunters make legal use of weapons and, as a rule, know how to handle and care for them properly. Such people should have the least to fear from thoughtful legislative controls. But instead of trying to work with lawmakers to draft legislation that will prevent misuse of guns while preserving hunting, hunter groups take the hard line that the only way to solve the problems is by assessing harsher penalties, after the fact, to criminals. This attitude was well expressed in a *Field and Stream* article entitled, "We Challenge Goliath." "The difference between our defense of the right to own guns and the attempts of anti-gunners to ban guns is that we don't tell you you must own a gun, whereas the anti-gunners tell us we mustn't. . . . Millions of Americans enjoy guns; millions fear them. Neither should attempt to coerce the other."



According to FBI statistics, 53 percent of all murders in America last year were committed with handguns, another 8 percent with shotguns and 6 percent with rifles. It is these statistics — rather than the more highly publicized assassination attempts — that should form the basis of any legislation.

One way or another, strict gun-control measures will eventually become law. The state's 667,000 licensed hunters should be taking the lead in making sure that the act is workable instead of manning the front lines against any intrusion on their virtually absolute right to purchase and possess all forms of firearms.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

Volume VI, Number 12 December 1975

PRESIDENT AND PUBLISHER
Thomas R. Hoeber

EDITOR
Ed Salzman

MANAGING EDITOR
Bruce Keppel

ART DIRECTOR
Jan Castle

WASHINGTON CORRESPONDENT:
Lou Cannon

CONTRIBUTING ARTISTS: Ric Hügo, Donna Rivers, Tom Zanze

SUBSCRIPTION MANAGER:
Barbara Aguirre

CALIFORNIA JOURNAL, which presents a non-ideological analysis of California government and politics, is published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation.

Publication of the *Journal* is assisted by grants from Adolph's Foundation, Crown Zellerbach Foundation, Ford Foundation, Wallace A. Gerbode Foundation, and Natomas Company.

BOARD OF DIRECTORS

EUGENE C. LEE, chairman, director of the Institute of Governmental Studies, Berkeley.
JUDSON CLARK, California Research, Sacramento.
NATHANIEL S. COLLEY, attorney and NAACP western regional counsel, Sacramento.
DORMAN L. COMMONS, president, Natomas Company, San Francisco.
JAMES W. HALLEY, attorney and former Republican State Chairman, San Francisco.
THOMAS R. HOEBER, publisher, *California Journal*, Sacramento.
BERNARD HYINK, professor of political science, Fullerton.
EVELYN P. KAPLAN, past president, League of Women Voters of California, San Mateo.
ROSELLEN KERSHAW, past president, American Association of University Women, Fresno.
EDWIN MEESE III, vice president, Rohr Industries, Chula Vista.
JOHN V. NEWMAN, president, Utt Development Corp. and board chairman, The Irvine Company and Sunkist Growers, Inc.
EMILY G. PIKE, businesswoman, San Francisco.
MADELEINE H. RUSSELL, San Francisco.
JUDGE BRUCE SUMNER, Judicial Council of California.
MAYOR PETE WILSON, San Diego.
FOUNDERS: Judson Clark, Jerome Evans, Victor H. Fazio, William Geyer, and Thomas R. Hoeber.
COUNSEL: Conrad Lee Klein.

Subscription rates: Libraries and Governmental Agencies, $30; Corporations and Associations, $50; Special Individual Rate, $15.

Copyright 1975 by California Center for Research and Education in Government, 1617 10th Street, Sacramento, California 95814. Telephone: (916) 444-2840. Second class postage paid at Sacramento.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

UP FRONT

Some quotes from Jerry Brown's talk before the annual conference of the County Supervisors Association: "If everyone in government would refuse to sign everything they couldn't read, everything would grind to a screeching halt." "The reason why everybody likes planning is because nobody has to do anything."

Washington Monthly printed a memo to his colleagues from Congressman Leo J. Ryan of South San Francisco touting sets of souvenir cuff links with the politician's signature as campaign gimmicks. Ryan wrote: "While the gesture may be a little flamboyant, I have often taken the cuff links off and made a present of them to anyone who admired them." He offered to order similar sets for his colleagues.

Hoisted by his own petard: Assemblyman Walter Ingalls of Riverside authored the bill making the 55-mile-an-hour speed limit permanent in California. He was cited for violating that law — by 15 miles an hour.

Mayor Pete Wilson of San Diego, probable GOP candidate for governor in 1978, came to the fore in a hurry as a sharp critic of the United Nations resolution branding Zionism as racist. That should endear Wilson both to the traditional anti-UN right and the Jewish citizenry, which normally votes Democratic.

California was described as the "mother state" at a meeting of the Western Governmental Research Association. Is that a compliment or an insult?

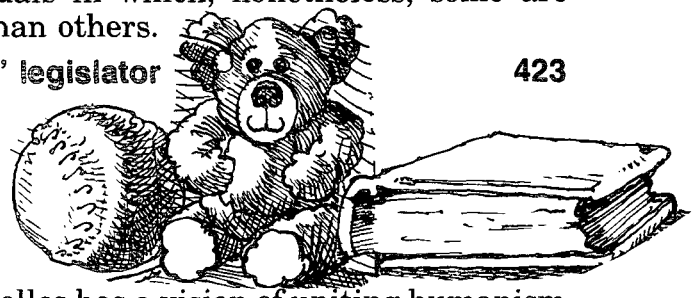
Candidate corner: Democrats lost a good chance of unseating Republican State Senator Clare Berryhill when Democratic Assemblyman John Garamendi announced that he will seek reelection next year instead of Berryhill's Senate seat. . . . Republican U.S. Senate candidate Robert Finch has been gathering support from across the political spectrum while Barry Goldwater Jr. has been agonizing about whether to enter the fray. Finch practically "stole" the nomination for lieutenant governor under similar circumstances 10 years ago.

CONTENTS

Jerry Brown and the presidency 417
By Ed Salzman
So a first-term governor can't covet the White House? Reagan wouldn't believe it in '68 and, yes, there's a scenario to fit his successor in '76.

Running the governor's office 421
By Bruce Keppel
Status, specialization and structure are out in this society of equals in which, nonetheless, some are more equal than others.

The 'touchy-feely' legislator 423
By Gail Schontzler



John Vasconcellos has a vision of uniting humanism and politics into a force for Good.

Grading the state's environment 427
If there were a College of Ecological Knowledge, California would do middlin' fair.

Inside the voter's head 431
By I. Nelson Rose
Psephologists use the scientific method to enable politicians to make, well, educated guesses.

A school reform that works 435
By Ruth Pritchard
Early Childhood Education is Wilson Riles' thriving baby, with plenty of room to grow.

Who gave what to whom in '74 438
By John Mintz and Tom Shean
New campaign reporting forms turned up interesting information, piles of data — and new problems.

Grand juries: reform on the way 443
By Blake Thomson
The cards have been stacked in favor of prosecutors, but the defense has hardly been resting.

California's pre-fab capitol 420

No more lickin' and stickin' 430

Rostrum 416
Caucus by Hugo 426
Newsbriefs 434
Newsmakers 445
Court decisions 446
Lou Cannon 447

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ROSTRUM

Our Policy. This page for reader comment is not the traditional letters-to-the-editor feature. We do not print letters complimenting us on our work or nitpicking articles by contributors. We will print short letters pointing up significant viewpoints that may have been omitted or raising major issues in state government and politics that we have not treated.
The rostrum is yours. THE EDITORS

Women and their civil-service 'bottleneck'

I just read your article "Brown and women — how affirmative the action?" in the September issue. I think you missed a very important point — there are no women in top state civil-service positions. Unless Governor Brown and his appointees (men and women) exert leadership in moving women up the civil-service ladder, the appointing of women remains "tokenism".

To advance within civil service, two things must occur: Your application must be reviewed within your department by top management (men), and you must participate in an oral examination (conducted by men). The members of the oral panel by law must be two levels above the applicant. This provision effectively limits women serving on oral panels for higher level positions.

In the Department of Health there are four women in the 91 positions listed on the organizational chart. No woman is a division head, and only one woman heads a branch. A closer look indicates these women are in roles traditionally acceptable for women: personnel, data-processing, adoptions, and law. Women are not in policy-making positions.

Women need models within their professional discipline. There are very few within the state civil-service system. Appointees have not had to advance within civil service, but they can provide leadership by actively encouraging qualified women to apply for top management positions and by reviewing the qualifications and attitudes of the departmental employee who serves on the oral panel.

I have had only one woman on the many oral exams I've taken, and she was the State Personnel Board representative. I have only served on one oral panel, and it was for a very specialized class, that of associate demographic analyst. Women do not serve on oral panels for positions of a policy-making nature.

I hope that someone will take an objective look at the effective bottleneck that the oral exam is, and will continue to be, for women in their efforts to reach top-level positions within state government.

MARY BRUBAKER
Chief, Management Information and Project Evaluation Section, Office of Alcohol Program Management

The high price of milk quotas

As someone who has long respected the quality of the reporting in *California Journal,* I was disappointed in the brief comment on milk quotas in the September "California Newsbriefs". The $300,000 figure on the cost of quota is neither merely a report nor is it isolated to Southern California. In fact, the average price for quota for an average-size dairy farm anywhere in California is about $350,000. This figure can be confirmed by the Department of Food and Agriculture, by any broker who deals in quota, or by any dairyman. For farms which are above average size, the cost of quota ranges upward over the $1,000,000 mark.

Quota is the largest single item of investment in a new dairy farm. According to a University of California at Riverside study in 1973, quota for an average-size farm takes 35 percent of the capital, and the cows 25 percent, the land and buildings 20 percent. Why pay more for quota than for cows or land and buildings? Our conclusion has been that the answer is in the profits. With quota, a dairyman literally buys a share of that part of the milk market that has high profits guaranteed by the state.

A close look at the milk-regulatory structure, a piercing of its veil of myths, reveals that it contains little "designed to guarantee Californians wholesome, fresh milk" as stated in *California Journal.* It would be more accurate to call the program a tribute to the ability of California's dairy lobby to maintain this program, year after year, in the absence of any facts relating to its necessity.

ROY ALPER
Director,
California Citizen Action Group

A quarrel among the gays

We protest strongly the article "From Closet to voting booth" by Nancy Friedman in the October issue . . . . . The statement . . . that the CDC [California Democratic Council] does not take our [Harry S Truman Democratic] Club seriously is pure wishful thinking on the part of George Raya, member of the Alice B. Toklas Democratic Club and member of the Society for Individual Rights. Mr. Raya is not the lobbyist for the gay community of California but represents the rightist reactionaries comprised of the two organizations mentioned above as well as the Whitman-Radclyffe Foundation. Raya does not represent even two percent of the gay community. . . .

Our club bested the Alice B. Toklas Club in the Foran-Boyle Assembly race last year . . . and we have bested the Toklas Club in attendance and membership, as our candidates nights attracted 249 people, while Toklas attracted a paltry 56 persons . . . .

REV. RAY BROSHEARS
Harry S Truman Democratic Club

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

PRESIDENTIAL PRIMARY SCENARIO

Can Brown be hoisted onto the white charger?

By Ed Salzman

Eight years ago, the political activists who do the tasks that win Democratic primary elections had their heroes for the California presidential primary, Eugene McCarthy and Robert Kennedy. Four years ago, Californians had a clear choice between George McGovern and Hubert Humphrey. Now, only six months before the state primary election, what are these political enthusiasts doing? Mostly, they are sitting on their hands, unwilling to commit themselves to any candidate and wondering whether order will come out of chaos before or during the Democratic National Convention in New York City next summer.

The last time the Democrats convened in the Big Apple it took 103 ballots to nominate John W. Davis, landslide victim of Calvin Coolidge. There are those who claim that after the first few primaries next year, the current overflow crop of candidates will narrow to perhaps a handful of hopefuls and that the convention will be a test of strength between relatively few blocs of delegates. This is the theory, for example, held by Democratic National Chairman Robert Strauss. This might have happened in the old days, even without strong front-runners, because there were relatively few states with primaries and the winner-take-all system prevailed.

Building blocs

But there are 30 primary states now, and regional differences make it likely that the fortunes of candidates will ebb and flow as the traveling political circus moves around the country. More importantly, however, the winner-take-all practice has been abolished, and any candidate getting a good hunk of a state's votes will be entitled to delegates in New York. This means that even a candidate doing moderately well can be expected to remain in the race until the end, picking up a handful of delegates here and there, and hoping that somehow a bloc can be formed to influence the convention.

The Republican situation is clear: Ford versus Reagan. And that will likely be resolved before the convention. If Reagan fails to eliminate the President in the primaries, he can try to deal for second place on the ticket. The GOP will be hard put in Kansas City to follow the anticipated Democratic show in New York with anything to rivet the attention of television viewers. The Democrats, on the other hand, are talking about a "brokered" convention, with the supposed impasse broken by those who control large numbers of delegates negotiating over the nominee. (This used to be known as the politics of the smoke-filled room.) The belief is that there will be too many candidates for a truly open convention with the delegates themselves actually deciding the issue because another 103-ballot convention has become a practical impossibility.

California outlook

Under California's new law, the names of all candidates are supposed to appear on the June ballot. The way things are going, Secretary of State March Fong Eu will have to order extra newsprint from Canada. By the time filing closes in March, Californians may have to choose between 15 or 20 candidates. If so, the leading vote-getter could well be Alabama Governor George Wallace — a prospect that distresses California Democratic leaders immensely. Here is the rundown:

SOUTHERNERS. Wallace, with his well-organized campaign, could pull 30 percent of California's vote. Georgia Governor Jimmie Carter and former North Carolina Governor Terry Sanford are also active candidates, but their prime impact will be in the Southern and Border states. Sanford is running as a Southern alternative to Wallace. Senator Lloyd Bentsen of Texas, who brought his campaign to California early and often, has made his name known but cannot yet be considered a major influence in the California primary.

LIBERALS. Former Oklahoma Senator Fred Harris has won the hearts of some California liberals, but his down-home campaign has not captivated the middle-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

class activists in large numbers. Harris' influence is diluted by the presence of Senator Birch Bayh of Indiana (who at least has a well-known California campaign manager in former Assembly Speaker Bob Moretti), Senator Frank Church of Idaho (who is getting valuable publicity from leading the intelligence investigations), Sargent Shriver (who carries the colors of the nation's royal family), and Representative Morris Udall of Arizona (who comes from a neighboring state, for whatever that may be worth).

FAVORITE SONS. Several major states have indicated that they may avoid the dilemma by pledging most of their delegations to favorite sons: Senator Adlai Stevenson III in Illinois, Governor Hugh Carey in New York, Governor Milton Shapp in Pennsylvania (an announced and active candidate aspiring to be a "broker" at the convention), and Senator John Glenn, the former astronaut, in Ohio.

Jackson and Humphrey

Two candidates merit special attention — Senator Henry Jackson of Washington and Senator Hubert Humphrey of Minnesota. Both are running for the nomination but in different ways, and both have some of the same areas of support (organized labor and Jewish contributors). Jackson will run actively in California with Treasurer Jesse Unruh leading the campaign. (Unruh's willingness to join Jackson is a further indication that Senator Ted Kennedy does not intend to run, since Unruh is above all a Kennedy man in presidential politics.) Jackson can raise plenty of money from Jewish businessmen who recognize his unswerving support for Israel. But Jackson has never shown any flair for campaigning, and he hurt himself with liberals with his support of the Vietnam War. Humphrey will not enter primaries but will wait for the deadlocked convention to turn to the happy old warrior to unite the party and articulate its views. Senator Edmund Muskie of Maine is available on the same basis, as is (one suspects) George McGovern.

Brown as favorite son

Where does all this leave the California voter? Organized labor, realizing the likelihood of an unprecedented scattering of vote, is attempting to gain clout at the convention by putting delegates on all of the major slates. But the ordinary voter has no such means of getting a piece of the action.

There are only two ways that next June's Democratic presidential primary can be something other than a shambles for Californians, and the first is highly improbable — that somehow the first few primaries in New Hampshire, Massachusetts, Florida, Illinois, North Carolina, New York and Wisconsin will restrict their real choice to two or three candidates (say, Wallace, Jackson and one of the liberals).

The other solution is much simpler and much more likely — that Governor Jerry Brown enter the race as a favorite-son candidate. Brown wants to keep his options open until the filing deadline, and he has a variety of choices: He could take the lead on behalf of another candidate, putting that candidate into a strong position to gather a major share of California delegates; he could stay out of the race entirely; he could head an uncommitted slate; he could announce his candidacy for president and conduct a national campaign; or he could become a

The do's and don'ts of the new federal campaign spending law

Republican senatorial candidate Robert Finch has been vociferous in attacking the new federal election law for making it harder than ever to raise campaign funds. Indeed, a lack of funds, among other factors, caused state Senator Dennis Carpenter, another Republican, to leave the contest for the seat of Democrat John V. Tunney.

The new law, like the state's Political Reform Act of 1974, is so complex that it will be some time before all the ground rules are laid out by the Federal Elections Commission. Meanwhile, those involved in federal political contests risk violating the law and facing a possible $25,000 fine and one year in prison. Anyone in doubt about the many unresolved questions is advised to request preliminary opinions from the commission. These are not binding (and could be reversed later), but if you follow these opinions in good faith you at least won't be prosecuted for violation of the new law.

Based on the law itself and the preliminary opinions so far handed down, this outlines the new rules by which the federal election game is to be played:

Individuals. An individual can donate no more than $1,000 to any candidate in the primary and again in the general, and no more than a total of $25,000 to candidates for federal office or committees supporting these candidates.

Candidates. A candidate for president can spend up to $50,000 of his or her own money, a Senate candidate $35,000 and a candidate for the House of Representatives $25,000.

Special-interest committees. A political committee representing such interests as business, labor and professions can donate up to $5,000 per election to any one candidate. An *individual* cannot donate $1,000 directly to a candidate and another $1,000 through, say, the AFL-CIO Committee on Political Education (COPE). (There is a loophole in the special-interest-group sector of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

favorite-son limiting himself to California.

The favorite-son option looks the most plausible. Brown could announce that he is running primarily to unify the state's delegation and make it a bargaining force at the convention. His candidacy would probably end active campaigning by some of the other contenders, and the California primary would be converted into a vote of confidence on Brown's record as governor. The polls attribute unprecedented popularity to the Governor, and if this popularity can be converted into votes for convention delegates, Brown might become a major factor in the selection of the candidate. Nationally, there is a growing fascination with the unorthodox Governor, and it is possible that Brown could maneuver himself into the nomination for president or vice president.

The presidential charger

A Brown candidacy would not solve the fundamental problem of the liberal activists who hardly dote on his conservative fiscal policies. But they would probably be frozen into accepting Brown as leader of the delegation because to mount a successful campaign on behalf of one of the national liberal candidates against him would probably prove hopeless. How could a Bayh or a Udall, for example, come into California and expect to succeed with an attack on Brown? Moreover, the complex new federal elections law [see box] would pose no problems for Brown because he would not have to raise much money for the campaign. On the other hand, the restrictions on campaign contributions are making it more difficult for outsiders to generate the funds needed to wage an effective campaign in California.

Eight years ago, Ronald Reagan had been in the governor's office only about a year when he announced his favorite-son candidacy as a way of solidifying the Republican party in California. Reagan was maneuvering for the nomination itself, of course, and he announced his candidacy at the convention. Once he had mounted the white charger, there was no question in anyone's mind that the horse was headed only for the house of the same color in Washington, D.C.

Brown need not strain the public's credulity with a favorite-son candidacy. If the current chaotic picture remains, he will undoubtedly come under increasing pressure from party leaders to enter the race as a unifying force. Brown will then appear to be hoisted, reluctantly, into the saddle for the good of California Democrats and not because of any political ambitions of his own. It may be that Brown would choose not to enter the primary and that he doesn't consider himself a potential Democratic nominee. But that would run counter to the less-than-subtle indications Brown himself has given in recent months — not to mention the psychological makeup of politicians, even those as unorthodox as Brown.

Brown of late has repeatedly attacked the federal government, primarily for placing unreasonable burdens on state and local government through complex and incomprehensible regulations. He calls for the federal government to surrender some of its authority so that responsibility and authority can be placed close to the public. That way, he says, government will deal with people and not with paper.

Sound familiar? The same concepts, almost verbatim, were promulgated by California's last favorite-son candidate, Ronald Reagan.

---

law; COPE could form separate committees in each county, and each of the 58 committees could then donate $5,000 to a candidate.)

Senate primary. The candidate can spend 8 cents for each person of voting age, plus an inflation factor, plus 20 percent of that total for fund-raising. This means that, based on a voting age population just under 15 million, a candidate can spend about $1.3 million in the primary, plus $260,000 for fund-raising, for a total of $1.56 million.

Senate general. A candidate can spend 12 cents per voter, plus inflation, plus 20 percent strictly for fund-raising; add to that 2 cents a voter that can be contributed by the national committee and another 2 cents from the state committee. Using the 15 million population figure, a candidate could thus spend a total of $3 million, including $400,000 for fund-raising. (Money left over from the primary cannot be used in the general.)

Unopposed candidate. In a preliminary opinion, the commission held that an unopposed candidate can spend up to the limit, presumably for an early start on the general campaign.

President. A presidential candidate in the primary or a presidential ticket in the general can spend twice the limit for a senatorial candidate. This is about $3 million in the primary and $6 million in the general. But the law sets national limits — $10 million in getting the nomination and $20 million in the general election. (This makes it unlikely that a candidate would use 30 percent of his allocation just in California.)

Delegates. No limit is placed on spending to get elected as a delegate to a national convention. This might encourage candidates to divert contributions from their treasuries and into the campaign funds of their delegate slates.

House of Representatives. A candidate can spend about $92,400 in the primary, including $15,400 for fund-raising, and up to $114,400 in the general, including 20 percent for fund-raising.

Political Parties. This law aims to make political parties more powerful, and parties were given authority to spend more money than individuals and special-interest groups — $20,000 to a Senate candidate and $10,000-plus to House candidates. The commission has ruled that each county committee with more than 50 contributors can contribute $5,000 to a candidate. If the party coffers are full, the party could provide fully one-third of a Senate candidate's authorized fund limit.

Record-keeping. Every penny raised and spent must be accounted for in detailed statements subject to audit. Each contributors of $100 or more must be reported by name, and cash gifts exceeding $100 cannot be accepted. State or county committees must maintain two sets of books — one for federal offices, the other for state and local.

For your copy . . .

Copies of the 1974 federal Election Law can be obtained for $1.30 each from the Superintendent of Documents, Department of Public Documents, Government Printing Office, Washington 20402. Ask for the "Federal Elections Campaign Law, stock no. 5270-02726".

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CALIFORNIA'S PRE-FAB CAPITOL

HOME FOR LAWMAKERS: THE 120-DAY WONDER

Be there an emerging nation in search of a Capitol to house its pride of lawmakers, the State of California will have one surplus several years hence.

That's maybe getting ahead of things, since California won't have its second Capitol until around next April Fools Day. It will contain about 20,000 square feet of space to house the Legislature for the three or four years that the original dome-topped Capitol is brought up to contemporary construction standards. Its foundations were judged to be "overstressed" to such a degree that its stability would be threatened by a stiff jolt.

The Joint Rules Committee signed a contract last month with Dynafab Educational Environment Corporation of Burbank, which submitted the low bid of $875,000 to build the temporary meeting space for the lawmakers. The contract calls for completion 120 days after construction begins. Dynafab has built a number of temporary — or what is called "relocatable" — buildings at Sacramento State University and Chico State, among other places. When the lawmakers move back into the original Capitol, the modular units can be dismantled and transported somewhere else — to an emerging nation in search of a Capitol or, more likely, to a state agency in search of office space.

Custom-made units

The temporary Capitol will be constructed at the east end of the Capitol Annex, now 25 years old, and the two buildings will be connected by covered passages. The chambers will be turned over to the state ready for moving in the historic desks and chairs from the gold-and-green Assembly and scarlet Senate. The buildings will include space for spectators at the rear of the chambers, elevated a foot or two above the legislative floor. There will also be caucus meeting rooms, restroom facilities and space for the Legislature's immediate staff and leadership.

The modular units will be constructed mostly locally, according to a Dynafab representative, and most of the workforce will be recruited from the Sacramento area — "our usual practice." The units will be custom-made to provide 18-foot ceilings in each chamber. They will be steel-framed, heavy duty sections built to withstand the same degree of stress as permanent buildings, according to Dynafab. This includes withstanding earthquakes, the particular shortcoming of the Capitol.

The temporary buildings were recommended by former State Architect John Worsley, whose last job for the state in his official capacity was to supervise completion of the Governor's Mansion in suburban Carmichael. [See, "Wanted: a live-in governor," *CJ,* November 1975.] He advised the legislators that this would be the cheapest and most convenient of the several alternatives considered, which included remodeling the two largest hearing halls in the Capitol Annex. Worsley will remain in state employ to supervise installation of the temporary Capitol.

Restoration of the Capitol itself will be carried out by Continental Heller Corporation of Sacramento and Swinerton & Walberg Company of San Francisco. While the original thinking was that the lawmakers would not reconvene in January in the historic chambers, delays have now made that inevitable. Gene Mansfield, administrative officer for the Joint Rules Committee, suggested that restoration work could commence without disturbing the Assembly and Senate. It is said to be the biggest restoration ever undertaken in the Western Hemisphere, and the final cost is expected to approach $40 million. Worsley's successor, Sim van der Ryn, has suggested to Governor Brown that the eventual cost could far surpass that figure.

BRUCE KEPPEL

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SOME MORE SO THAN OTHERS

Brown's corner office ~a society of equals

By Bruce Keppel

"I want to keep my staff lean and hungry," the Governor was saying in a mock-pompous voice. He paused at the other end of the line, then resumed: "Gray adds, 'and slightly weary.' "

Edmund G. Brown Jr. had taken over the telephone interview from Gray Davis, his chief of staff, who was being questioned on how the governor's office is run. After the Governor had gone, Davis resumed the conversation with a sigh. "That's kind of the way things are run," he said.

Gone is the rigid structure and tightly paced agenda that characterized the office under Ronald Reagan. Brown's predecessor favored a highly specialized and stratified organization that served his style of keeping on top of things by not getting deeply into them. The Reagan style was to have positions briefly stated, alternatives clearly drawn, and supper with his family.

Absence of alienation

Brown's staff [see box] is notable for its lack of specialists, and the young Governor sees no need to apologize for that. "You can't replicate in the governor's office every agency and body that exists in the executive branch," he said. His approach is functional and pragmatic, and he goes out into the agencies and departments in pursuit of the information he needs in developing his ideas or to educate himself on a given subject. The fact that he does this, instead of surrounding himself with specialists drawn from outside government, suggests an absence of the alienation toward public administration that was another characteristic of Ronald Reagan and the "creative society" he brought to Sacramento from private enterprise.

Under Brown, the structure is almost organic and fluid. "You've got to see this as an historical development, a natural evolution, and not as a static erector set frozen in place for all time, "the Governor explained. The evolution has brought 81 people — mostly on the youthful side and heavily weighted toward law and academe — to populate the corridors leading to the corner office. Reagan's normal complement was 96, though his staff dwindled somewhat in the administration's last year as key personnel began re-entering private employment. By then, however, Ed Meese had become almost a *de facto* governor in his position as Reagan's chief of staff. At the outset of the Brown administration, in contrast, Gray Davis seemed to be little more than office manager, but this is changing, too.

"You've got to remember that we're talking about Meese in the second Reagan term," Davis recalled. We're still in Year One." But no one sees Brown more frequently than does Davis — "maybe 20 or 25 times a day" — and the Governor's habit is to try out his preoccupation of the moment on whomever is around. "I'm the only person invited to participate in every decision," he said. "I get my two cents' worth on everything."

Daily goals

Though Davis and Brown don't consider any of the staff as constituting an inner circle of intimate advisors, in that world of equals a handful of persons seem more equal than the others. They are also the highest paid. These are Anthony Kline, legal affairs, secretary; Bill Stall, director of public affairs and press secretary; Marc Poché, assistant for programs and policies, who keeps an eye on the Senate; Paul Halvonik, assistant for legislative affairs, who tracks the Assembly; and Preble Stolz, director of the Office of Planning and Research. These five meet with Davis daily to draw up a list of half a dozen events or goals to accomplish in the Governor's day. That is the closest thing to

The Governor's Office

Executive Secretary and Chief of Staff: Gray Davis, 445-5106.
Cabinet Secretary: David H. Fox, 445-6131; correspondence supervisor: Cheryl Goble, 445-1455.
Legal Affairs Secretary: J. Anthony Kline, 445-1915.
Assistant for Programs and Policies: Marc Poché (legislative relations with the Senate), 445-3921.
Assistant for Legislative Affairs: Paul Halvonik (Assembly); legislative secretary: Anthony Dougherty, 445-4341.
Legislative Advisor: Robert Williams, 445-7293.
Legislative Consultant: Gino Lera, 445-5577.
Special Assistants to the Governor:
Mark Lubow (assists Davis), 445-1494.
Jacques Barzaghi (arts), 445-1956.
Percy Pinkney (community relations), 445-1956.
James Mulligan (community relations), 445-5494.
Kenneth A. Gosting (research), 445-3884.
Director of Administration: Vacant; administrative assistant, Rose Ann Stark, 445-1697.
Director of Public Affairs and Press Secretary: William R. Stall; associate, Dave Jensen, 445-4571.
Director of Employee Relations: Marty Morgenstern, 445-1574.
Appointments Assistant: Dr. Carlotta Mellon, 445-0658.
Scheduling Secretary: Lucie Gikovich, 445-6533.
Receptionists: Jackie Habecker, Margaret Murphy, 445-2864.
Los Angeles Office: Teresa Bird, manager, 107 South Broadway, Suite 7013, Los Angeles 90012; 620-5280.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an agenda there is. Brown starts his day, then, by reviewing these "goals", which Davis submits along with a number of "pending" items that might also be dealt with.

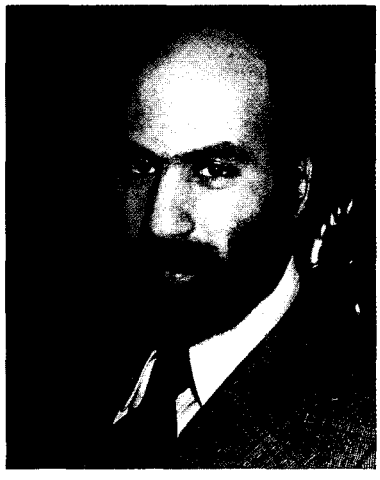
"The key is flexibility," Davis said. "We don't schedule his every hour." That flexibility, he explained, enables the Governor to turn full attention to crucial problems as they arise, and he cited in particular the round-the-clock negotiations that resulted in a compromise on farm-labor legislation.

Delegating authority

At the outset of the administration, Brown spent much of his time in long discussions with his cabinet, which includes the four agency secretaries — Donald Burns (business and transportation), Claire Dedrick (resources), Mario Obledo (health and welfare), and Rose Bird (agriculture and services) — Finance Director Roy Bell, Tom Quinn, chairman of the Air Resources Board and environmental advisor, and Davis, who is also cabinet chairman. Much of this discussion was aimed at harmonizing the views of these people, who would be the administration's operatives in the field. "In the beginning," Brown said, "I tried to give as much attention as I could to important things. As the administration goes on there is more delegation of authority. We've had enough contact now so that constant meetings are less necessary to decision-making [on the part of the agency secretaries]. It's just a natural evolution."

The cabinet meets weekly (on Tuesday) or biweekly (on Tuesday and Thursday) when the Legislature is in session. But these meetings are not the forum for fundamental decision-making that they were when Meese ran them for Reagan. "This Governor likes to choose the people most appropriate to a decision and involve them," Davis explained, and these people may be on the staff or out in the executive branch somewhere or even outside the government. "People have influence [with Brown] on the basis of the merits of their proposals," he added. An example of this influence on the staff itself is Jacques Barzaghi, whose ideas and Zen outlook strike responsive chords in Brown's breast even beyond Barzaghi's domaine as adviser on the arts.

GRAY DAVIS



TONY KLINE

Adversary approach

Jerry Brown's fondness for debate is well established, and those who lobby their ideas with him or his aides find that reason counts more than relations. "He likes the adversary approach in seeking truth," Davis said. If a discussion is not sufficiently sharp, Brown will come on with a strong view to spark rebuttal. According to Paul Halvonik, Brown's legislative aide, some lobbyists are having difficulty adjusting to this style, which tends to spread out to the staff. "They've got to give me a reason for their position if they expect me to persuade the Governor," he said.

The administration's first year was marked by an effort to slow down the rate of change — by saying "No" more readily than "Yes". This was a specific practice, not merely atmospherics, Halvonik said. He and Poché, who run the legislative unit, were authorized individually to approve a department's public opposition to a bill, but *both* of them had to sign off on a request to support a measure.

The legislative unit has been moved next door to the Governor, occupying what was Reagan's press quarters. Brown declines to attach any particular significance to that change — "question of space" — but it is true that Reagan's legislative unit was located about as far from his desk as one can get and still be in the governor's office. [See "Executive agencies before the Legislature," *CJ*, December 1972, for an account of the Reagan operation.] Halvonik said that the Governor does drop in with some frequency. And it is probably not surprising that legislative relations should have a higher priority than press relations in an administration whose chief is of the same party as the legislative leadership. (There is a telephone "hotline", Halvonik indicated, that buzzes peremptorily when the Governor calls but only "tinkles" at his end. Power!)

Defective analysis

Under Reagan, Meese instituted a policy that communications to the Governor must not exceed one page. This produced a quality of bill analysis that the successor regime found deficient. "We made it known right off that we didn't have a one-page policy," Halvonik said. And inadequate analyses were returned to the offending director or secretary for further scrutiny. "If they said they hadn't read it that closely," Halvonik recalled, "the Governor would suggest that they get a signature stamp that said, 'I signed this but I didn't read it.' "

The signature is important to this Governor, who has done away with the office's signing machine. This slows down the operation, as does his requirement that he understand any proposal seeking his approval — whether a letter, a directive or a bill. To Brown, efficiency is not an overriding viture.

In their consideration of whether a department should take a position on a bill, Halvonik and Poché act on their knowledge of the Governor's likely stance. "There were only two or three bills that departments supported this year that were ultimately vetoed," Halvonik noted, "so our predictions are pretty good." Even so, such a situation was unthinkable under Reagan's more tightly managed administration.

So far, Brown is satisfied with his emerging administration. "I couldn't think of a way to change it [were he to rerun the first 11 months]. I think it's open and relatively effective." He does intend to speak out sooner next year on specific legislative proposals, but he stresses that just because he is currently studying certain areas — education and land-use planning, for example — it should not be assumed that "a magnificent program" will result.

"That's part of this administration's aim to lower our expectations of government." Davis said. "I think we succeeded spectacularly at accomplishing our modest aims." It is a low-key outfit with high-energy personnel.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The 'touchy-feely' legislator

By GAIL SCHONTZLER

John Vasconcellos, 43-year-old assemblyman from San Jose, is sitting on the floor, an attentive group of teachers and students gathered around him. They've come to hear Vasconcellos share his vision of a new kind of politics — one based not on power blocs, public relations and political deals, but on openness, care, love and trust.

This is unlikely rhetoric for a politician, but then Vasconcellos is an unusual politician. Since coming to the Legislature nine years ago, Vasconcellos has been deeply immersed in humanistic psychology and active in encounter groups. He has committed himself to merging his experience in psychology and his work in politics — to arranging the unlikely marriage of Esalen and Sacramento.

Vasconcellos gestures with his large hands as he talks of gathering together "people who are committed to both their own growth as persons and to working for political change." He has given his talk before in small meetings from La Jolla to Yuba City, but this is not a canned speech; there is a note of urgency in his husky voice. Vasconcellos sees the future being shaped in a struggle between the forces of repression and control and those of liberation — sexually, emotionally and politically. The manipulators may win out, he has written, unless the humanists band together in a "self-determination network" of people committed to liberation and humanism.

Suspicions that Vasconcellos intends to make this a personal political vehicle fade as he finishes answering questions from students. Part of liberation, he believes, is getting people to realize that they don't need leaders. So when one student asks to talk with him in the lobby, Vasconcellos nods his shaggy head and saunters out, big and bear-like. But with Vasconcellos gone the discussion dries up and the meeting falls apart.

Pricking consciences

In Sacramento, where politics is business and leadership is not a dirty word, there is great respect for Vasconcellos. Even those who think all that "touchy-feely stuff" is bunk consider him sincere, conscientious and dedicated. When Vasconcellos speaks on a bill other legislators tend to listen because they know that he is not playing to the gallery and that he does his homework on the issues. "Vasconcellos often pricks their consciences," says an aide to Assembly Speaker Leo McCarthy. "They can get so into figures and statistics and then he'll say, 'What about the little kids?', and all of a sudden you picture this bill affecting kids."

Though they admire his compassion, Vasconcellos' colleagues often wish that he didn't take matters quite so seriously. "It's all life and death with him," said one senator. "If you make one quip, he can come back at you with a real moral zinger. You just can't kid with John. In committees sometimes he'll give out these great sighs. He tends to see hypocrisy or greed or a base attitude in another member's vote." Commented Alfred Alquist: "He feels more of a personal responsibility about these things than most people."

Vasconcellos' constituent newsletters, which he writes himself, are celebrated in the Capitol. In them he is as likely to discuss the "pain of so many of my friends" or to reflect on whether maybe he should quit, as to report on the progress of legislation. He sometimes includes lists of books he has recently read, and one friend whose marriage was on the rocks received copies of *Jonathan Livingston Seagull* and *Please Touch*.

Question of effectiveness

Such a soul-searching disposition may be fine for Vasconcellos as human being, but what does it do for Vasconcellos as lawmaker? Opponents for his Assembly seat have charged him with being too ethereal to get bills passed and

---

The author is a graduate student in journalism at the University of California, Berkeley.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have pointed to a list of bills that failed when he carried them but passed when carried by others. Vasconcellos' campaign literature counters by arguing that some of these bills fell victim to Republican partisanship under Governor Reagan, while others — to reduce marijuana penalties, ease divorce laws, lower the age of majority and legalize Methadone treatment for heroin addicts — were simply ahead of their time when he introduced them.

In at least one instance an unsuccessful bill forced an institution to budge in his direction — cutting the terms of UC Regents in half, from 16 years to 8, and requiring them to seat faculty and student representatives. His proposal prodded the regents into supporting a successful compromise bill carried by Senator Albert Rodda, which cut the terms to 12 years while leaving student and faculty representation to the Regent's discretion.

Skilled floorwork

Vasconcellos' reputation for being non-political can be an asset in moving legislation. Assemblyman Brown says that while he was taken away from Sacramento by a legal case Vasconcellos did much of the political legwork for him that succeeded in winning passage of Brown's bill decriminalizing certain sexual acts performed in private by consenting adults. "John was absolutely at his best," observes Brown. "He handled that as if it were his own bill, touching bases with the membership, giving me excellent guidance on what had to be done. He is really very effective when he starts to sell a piece of legislation. He gets votes we couldn't touch because they know he's not political. You wouldn't think of making a trade-off with John."

Vasconcellos also succeeded in carrying into law last year a controversial bill giving mental patients the right to refuse electric-shock treatments and forcing psychiatrists to warn their patients of the possible harmful effects of such therapy. He says that he personally would like to see electric-shock treatment banned, but that he does not believe that the government should take that choice away from patients.

Breaking rank

Creating choices in education has been one of Vasconcellos' goals in his nine years as a member of the Assembly Education Committee. He has supported voucher plans that let pupils in one Santa Clara school district choose between traditional and "alternative" schools. And as chairman of two joint committees, which together have evaluated California's schools from kindergarten to the post-secondary level, the Assemblyman has sought to insure that students' human needs get as much attention as their test scores. He has tried to insure, too, that along with teaching reading and math, public schools help children develop "self-esteem" and the ability to think for themselves.

While generally taking positions one would expect a liberal Democrat to take, Vasconcellos has been known to break ranks. He voted against the legalization of abortion saying, "I cherish life whether it's on death row or in Vietnam or in the womb." In the Education Committee he has abstained from voting on bills to fund bilingual intelligence tests for Spanish-speaking students because he does not believe in using such tests at all. And when the farm-labor bill came up for final vote on the Assembly floor last May, Vasconcellos went against the Democratic caucus' instructions and voted not to cut off debate on the last-minute amendments put up by Republicans to block the bill. "He did it on the principle that there ought to be debate — even if it takes all day," explained Susie Lange, an administrative aide.

Easy reelection

Despite his reputation for not carrying bills designed specifically for his constituents and his unconventional rhetoric, Vasconcellos manages to get reelected — and even won last year by a three-to-one margin while spending one of the lowest amounts reported by successful Assembly candidates, $6,000. Is it, as some uncharitable pols suggest, that his constituents simply don't realize what an oddball their assemblyman has become? The fact that his district includes many Catholic and Portuguese voters as well as the students of San Jose State probably doesn't hurt Vasconcellos. But, his friends ask, what's wrong with having a reputation for integrity?

"At first people in the Legislature looked at me as a dreamer and a freak. But now I'm taken seriously. You can say politics is all games and manipulation, but if you decide to stop playing the games, you can make things change."

Unlike many lawmakers who maintain private law practices, Vasconcellos lives on his legislator's salary. His conflict-of-interest statement discloses two stock holdings and only one property holding, an estate that rivals that of fellow-bachelor Jerry Brown in its relative modesty. [See "Who's got what among state officials," *CJ,* May 1975.]

Road from San Jose

Vasconcellos grew up in San Jose, where his father was a teacher and principal. His parents, the children of immigrants from Germany and the Azores, are devout Catholics. He attended a Catholic prep school, which he recalls as having been very disciplined and authoritarian. He recalls being terrified in school, despite an excellent scholastic record. Later, at Santa Clara University, a Jesuit institution, Vasconcellos became a local legend by winning the school's top three awards at graduation. After two years in the Army, he returned to Santa Clara to study law.

Senator Jerry Smith, who attended Santa Clara at the same time, remembers that a Jesuit training can give "a great ability to solve problems and think logically", a view also held by Governor Edmund G. Brown Jr., who experienced it as a seminarian. "But" adds Smith, "there are big problems with guilt and punishment. John is now trying to purge a lot of that. One of the first questions in catechism is 'Who am I?'; they give you the answer in rote."

Smith remembers Vasconcellos as having been very active in student politics, but also "not the kind of guy who'd go over to the Maui Hut like some of us and drink beer." After graduation in 1959, Vasconcellos worked in a well-known San Jose law firm headed by Al Ruffo. Marc Poché, Governor Brown's director of programs and policy, also joined the Ruffo firm on graduating from Santa Clara. He recalls that as a lawyer Vasconcellos was "intense, very loyal to clients and worked long hours

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

— money was always secondary with him."

Everyone expected Vasconcellos to run for political office. He got a taste of Sacramento politics in 1960 when he worked a year as gubernatorial travel secretary to Jerry Brown's father. In 1966 Vasconcellos ran for the Assembly and won. Today, Vasconcellos doesn't know why he ran, exactly. "I didn't know at all who I was. I was a creature of everyone else's expectations. They were well-meaning and sincere, but it was their expectations."

Questioning begins

As a freshman assemblyman, Vasconcellos had already begun the intense questioning that ultimately led him to break with the Catholic church and embrace instead humanistic psychology. "I got into a heavy jam personally," he says. "The way I was living didn't meet my needs." Helped by a priest trained in Carl Rogers' psychology, he began reading the works of other humanistic psychologists — Abraham Maslow, Sid Jourand, Wilhelm Reich — and discovered encounter groups, Esalen and "bio-energetics".

As a kid, he says he had felt too graceless and self-conscious about his lanky body to participate in sports. Now, after three years of work in bio-energetics, which involves working out physical and emotional tension through exercise, his body feels looser to him and he finds his thinking simpler and clearer. He is often seen on the Assembly floor — or even driving to work — stretching his neck or rotating a shoulder, like a prize-fighter warming up. ("That's not a twitch — I'm just loosening up.")

Ties that bind

His newfound values seem to have encouraged him to rely heavily on gut feelings and personal loyalties when it comes to politics. One important moment in his political career came, he says, when he met Bob Moretti. "There was an immediate trust," he recalls. "He told me to level with him. I felt very close to him from that meeting." Vasconcellos' name is often included in the team that worked with Moretti and Ways and Means Chairman Willie Brown during Moretti's speakership. Yet he doesn't consider himself to have been a part of the Moretti inner circle. " 'Loner' isn't quite the right word," he says, "but I was not in on the poker games. I had Moretti's ear." Moretti made skeptics in the education establishment pay attention to Vasconcellos by naming him in 1973 to chair the education unit of the Ways and Means Committee, giving Vasconcellos a key role in determining the flow of funds to California's public schools.

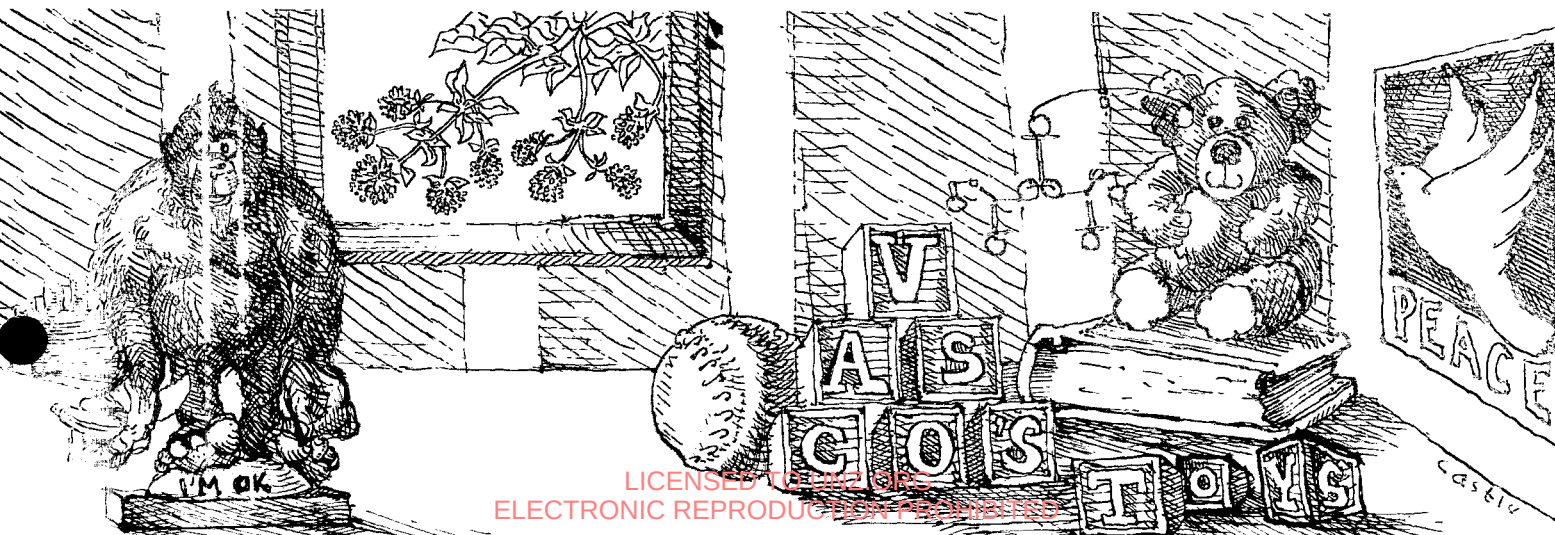
Personal friendship played a big role in Vasconcellos' decision to support Brown for speaker last year against Leo McCarthy. Vasconcellos still defends his decision, even his backing to wrest the speakership by forming a coalition with Assembly Republicans, but McCarthy viewed the deal as an unholy alliance that endangered the gains made by Democrats in November. As a result, McCarthy punished those who had flirted with the opposition, and Vasconcellos lost his Ways and Means chair. "I knew I was risking the whole damn thing," he comments. "I felt Willie was more sensitive to the issues. I followed my feelings as truly as I could." For a while Vasconcellos was very bitter, and felt that he didn't belong in Sacramento. "It was an alien, painful place, but finally I decided that *I* was okay and that *they* were screwed up."

Growing awareness

Since the debacle Vasconcellos has been putting more energy into the "self-determination network". He is optimistic about its potential, estimating that there could be a constituency in California of one million people. Even a fraction of that would be enough to make traditional politicans pay attention. But he stresses that the important thing isn't the numbers but getting people to realize "their enormous power potential". This is an age of self-exploration, he says, and sees no fading of liberation ideas. Another target may be the legislators. "Getting politicians to like themselves would be a revolutionary thing," he has said.

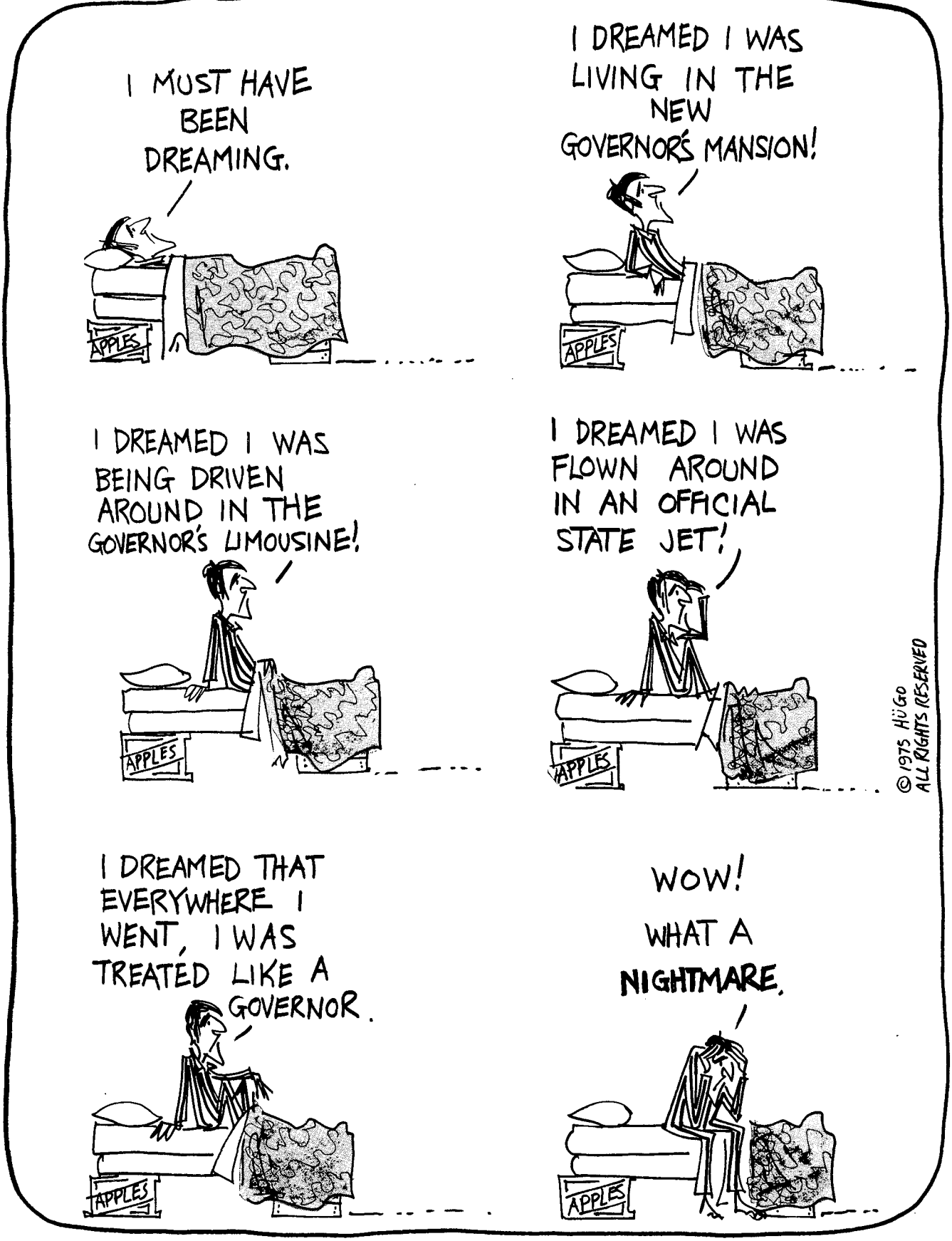
Back in Sacramento, Vasconcellos has his feet up on what must be a huge desk buried under piles of reports, letters and books. From the ceiling a mobile of paper hands points lazily in this direction and that, at the whim of the air-conditioning. On one wall hangs a deep blue poster with the legend *Peace* below the white silhouette of a dove in flight, its upstretched wings looking like hands reaching skyward. On a bookcase sits a collection of toys — blocks, puzzles, a drum, a softball and a statue of a gorilla. ("They are my toys.") On another bookcase sits a photograph taken more than 12 years ago of John Kennedy shaking hands at an airport with a younger, crew-cut and narrow-tied Vasconcellos. Below the picture are crammed the books that mark the distance he has travelled since, books titled *I'm OK, You're OK; Future Shock;* and *On Becoming a Person.*

Changing has made him aware of a lot of pain and anger, but Vasconcellos feels that this is for the better. He points to a favorite print above his desk. It is a line drawing of a whimsical, four-legged, hairy beast cut in half across the middle. The head half has turned around to examine the torso half and peers bemusedly at itself. Below is the title: *Animal looking into himself and smiling at what is seen.*


I'M OK
I'M OK
I'M OK

Caucus

by Hü Go


I MUST HAVE BEEN DREAMING.
APPLES
I DREAMED I WAS LIVING IN THE NEW GOVERNOR'S MANSION!
APPLES
I DREAMED I WAS BEING DRIVEN AROUND IN THE GOVERNOR'S LIMOUSINE!
APPLES
I DREAMED I WAS FLOWN AROUND IN AN OFFICIAL STATE JET!
APPLES
© 1975 HÜ GO ALL RIGHTS RESERVED
I DREAMED THAT EVERYWHERE I WENT, I WAS TREATED LIKE A GOVERNOR.
APPLES
WOW! WHAT A NIGHTMARE.
APPLES

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

State's report card: A in water, F in smog control

If some College of Ecological Knowledge were to grade California on how it had protected the state's environment, the report card would look something like this:

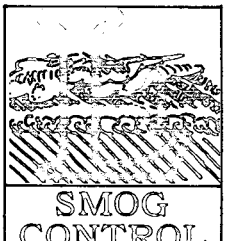
COLLEGE OF ECOLOGICAL KNOWLEDGE REPORT CARD	
Smog Control	F
Water Quality	A
Solid-waste Management	F
Land Conservation, Development	C
Park Development	A
Energy Conservation, Development	D
Wildlife Management	B
Forest Management	D
Transportation	F

These grades are, of course, subjective. But they reflect a surprising consensus among those who lobby for the protection of the environment and among others in Sacramento who keep a close watch on legislation in this field. The most difficult subject to grade is land conservation and management because it is a broad and complex subject with many divergent views on how the state should proceed. That, more than any other factor, accounts for the rather non-committal C grade.

In addition to the subjects on the report card, there are other important areas of environmental quality that could have been rated, such as population growth and revitalization of the cities. These were omitted because they have not been the subject of state action or because they lie beyond the realm of governmental solution. Fortunately, California's population boom has come to an end. The state is still growing, but studies indicate that for the first time in this century the north is growing faster than the south (which already has too many people). The urban environment has continued to deteriorate, as the cities increasingly become a preserve for the poor and the minorities while the more affluent move to suburbia.

The nine areas included in the report card have been the subject of intensive legislative discussion and, in most cases, efforts at state government control. Using the standard collegiate grade-point system (4 for an A, 3 for a B, 2 for a C, 1 for a D and 0 for an F), the state's average for all these ecological departments comes out to 1.67 or a C−. However, this is not a fair way of establishing an overall rating because some of the categories are far more important than others and some forms of environmental deterioration are more easily repaired than others.

An analysis of each of the nine grades follows.



The state has hardly made a dent in eliminating air pollution. The steps taken merely held back the increasing emission of pollutants into the atmosphere.

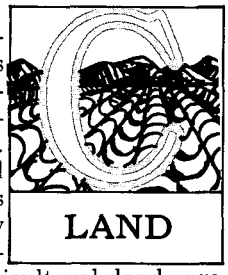
John Zierold, lobbyist for the Sierra Club, said that smog control was "a disaster area in the Reagan administration". The Air Resources Board under Reagan was weak, and the federal government found it necessary to move into the state with a heavy hand to get drastic anti-pollution measures going. (Washington pulled back when the energy crisis hit, however.) It is too early, Zierold maintains, to tell how effective the Brown administration's ARB under Tom Quinn will be despite its highly publicized get-tough stance in its first 11 months. The board levied a fine on Chrysler Corporation and for a time ordered that certain models of its cars not be sold in California because of violations of the state's smog-emission-control standards. Quinn claims that the Chrysler action is important primarily as a symbol that California is no longer going to dance to a Detroit drummer.

According to Quinn, auto emissions remain the basic problem but smog devices are gradually reducing this source of smog. He estimates that, by about 1980, cars and stationary sources will each produce about half the state's pollutants. He places a high priority on clean power generation and fears that the energy crisis will produce a major problem in Southern California next summer because, with virtually no natural gas available for generation, fuel oil will be used almost exclusively. "That," said Quinn, "will be a great leap backward."

Quinn has been fighting with the Ford administration over a federal plan to lease oil-drilling sites off the Southern California coast, but the ARB may be even more concerned

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from a smog viewpoint over the oil that soon will start heading this way from Alaska. Quinn explained that the oil companies hope to store the oil in huge tanks at a deep-water California port before piping it east. The problem with that, as Quinn sees it, is that there will be a tremendous quantity of pollutants escaping by evaporation. If the technology is not available to control this new source of smog, the board may have to bar importation of North Slope oil by rejecting permits to store it.



The state's proper role in this broad area is debated from diverse viewpoints. Ecologists feel that the state has not done nearly enough to preserve prime agricultural land, prevent shoddy development and limit construction in areas of special ecological concern. But there is an economic side to the coin: The state must also consider the tremendous pressure from business and labor not to take steps adversely affecting the already-depressed construction industry. Former Governor Edmund G. Brown chairs the California Council for Environmental and Economic Balance, which attempts to offer the Legislature a counter-voice to the Sierra Club and the Planning and Conservation League. And the California Association of Realtors agrees that there is nothing wrong with government's prohibiting development of land — providing that property owners are compensated. The bottom line in the adoption of any plan for the state's coastline will eventually be drawn at that point: How much money will be available to purchase the property needed to preserve large sections of the coast for public use?

Efforts have been made in the Legislature to establish a statewide land-use commission with power to veto local decisions on major projects. These efforts have failed. The Legislature has, however, created two regional land-use authorities — the San Francisco Bay Conservation and Development Commission and an agency to regulate the California side of Lake Tahoe. The voters themselves established the Coastal Zone Conservation Commission which, under the provision of the initiative creating it, is to expire next year.

So far, all the state's major land-use plans have dealt with property adjoining water. And the coastline issue will be before the Legislature next year, along with a major bill to establish new controls on the development of prime agricultural land. In fact, the 1976 Legislature will probably have the overall land-use issue at the top of the agenda, as Speaker Leo McCarthy has already indicated.

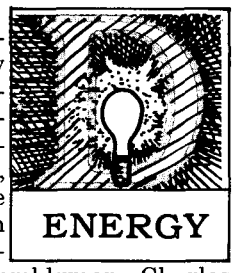
Two other developments in the land-use field in recent years hold major significance: The emergence of the "no-growth" movement at the local level (and the subsequent election of numerous environmentalists as members of city councils and county boards of supervisors, thus reducing the influence of developers), and the state's enactment of the California Environmental Quality Act. This act, given sharp teeth by the state Supreme Court through requiring approval of environmental impact reports on anything but the smallest proposals, Moss feels, "helped prevent really bad projects" while not coming close to meeting the basic concerns of environmentalists. If Zierold had been assigning a grade for land use, he would rate it "D" or even "F".

As "down" as the ecologists are about the battle against smog, they are just as "up" about the gains made during the Reagan administration in managing the state's water resources. Both Zierold and Moss gave most of the credit to one man — Ronald B. Robie, the Brown administration's director of water resources and former member of the state Water Resources Control Board. As a member of the legislative staff, Robie drafted the Porter-Cologne Act, they both emphasize, and that act has been the vehicle under which the state has produced a marked improvement in the fight against water pollution and water waste in California. In Zierold's view, Robie was the key member of the Water Resources Control Board during the Reagan years and as director of water resources is Jerry Brown's "best professional appointment".

Traditionally, the department of water resources has been a target of ecologists. No longer. Moss, who had a brief tenure as deputy secretary for resources, claims that the department under Robie is, for the first time, taking a critical look at the state's water-development needs. Because Robie was so closely identified as an environmentalist, why wasn't his appointment challenged by the large water-users with whom he had often been in conflict? The answer, according to Zierold, is that Robie is known to be "tough and fair" and had technical credentials beyond reproach. Also, as a member of the legislative staff he had shown an ability to work with the various water interests.

Three years ago, the state tried to get a solid-waste management program off the ground by creating a state board and telling local government to start developing a coordinated program for regional solutions to the problem. Nothing much has happened.

Senator John Nejedly, chairman of the Senate Natural Resources Committee, said that local government did nothing more than let each community develop its own plans. As a result, he continued, the Legislature next year will have to adopt a tough new program to get cities, counties and special districts off the dime. But what about the state board? Tom Quinn, who supervises board activities as the Governor's designated environmental-protection czar, maintains that it is unfair to have expected the board to accomplish anything because the Legislature gave it no authority.

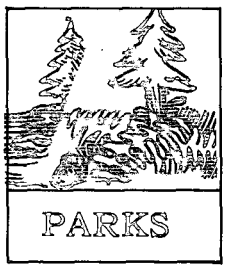


Except for creation of the Energy Resources, Conservation and Development Commission last year, the grade here would have been "F". That law, authored by Assemblyman Charles Warren and Senator Alfred Alquist, had been hailed as the toughest and most promising energy measure ever enacted. So why the D? The answer is that, from the environmentalists' viewpoint, Governor Brown's appointees to the commission are very disturbing, a view supported by the commisison's failure to take stands in keeping with the feelings of the conservationists. Another factor is the

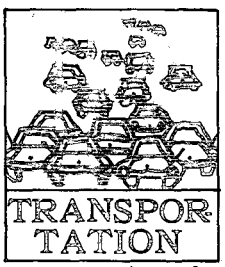
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

presence on next June's ballot of the nuclear-power-plant initiative, a proposal that — whatever its merits — throws the energy picture out of focus until the proposition is decided.

Environmentalists do have something to shout about, however: The state Public Utilities Commission has adopted a new power-pricing system designed to conserve energy. Nevertheless, Zierold sees the Energy Commission as the organization charged with establishing long-term policy, and he is upset that the board is making "unconscionable" forecasts of what he considers heavy energy usage.

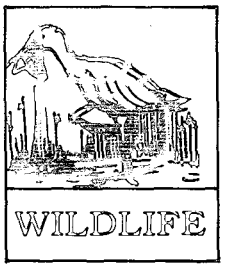


California conducted an aggressive property acquisition program over the past 10 years. Moss calls it "probably the best in the nation", and Zierold credits this to William Penn Mott Jr., Reagan's director of parks and recreation, and especially to Robert Meyer, Mott's deputy. Meyer is now employed in Sacramento by the Council for Environmental and Economic Balance.



This is a subject inexorably intertwined with air pollution. Had the state succeeded in getting Californians out of their cars and into almost any form of mass transportation the smog problem would have been significantly relieved. But the state has failed, for the most part, to develop an alternative to the private automobile, and only the gasoline shortage and the dramatic rise in gas prices have slowed the increase in mileage driven by Californians each year.

Larry Moss, the new executive director of the Planning and Conservation League, is not optimistic that major new mass transit systems will be built in California. "We've run out of money for highways," he said, "and that's the best thing that has happened." He feels that there will be a series of small changes, mostly involving an expanded and more imaginative use of buses. One problem is that it is incredibly expensive to develop new rail systems for urban areas like Los Angeles, and the experiences of the Bay Area Rapid Transit system have made Californians wary of such "aerospace-age" transportation dreams that promise more than they deliver.



The state Department of Fish and Game is generally given high grades for its management of programs financed by license fees from hunters and fishermen. The problem has been a lack of funding for preservation of non-game species. A start toward a solution to that problem has been made with a voluntary-contribution program and a general-fund allocation by the Legislature.

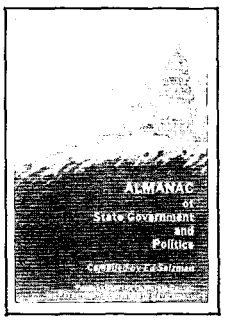
Nobody seems happy with the way the state has handled regulation of forest harvesting. The timber industry has been up in arms about the controls, especially at a time of high unemployment in the timber industry. And environmentalists are upset because the new state Forest Practices Act has not met their expectations. But new appointments are being made to the state Board of Forestry, and environmentalists expect an improved performance.

Overall, the grades are not especially high. But two comments must be added: Many Californians came here from other states because they were attracted to the California environment, and most still find the state a pleasant enough place to hold them here. Secondly, in some of these fields, California has been far ahead of other states and even the federal government. The College of Ecological Knowledge has high standards and its faculty is not nearly as liberal with grades as are professors in regular institutions of higher education.

ED SALZMAN

This reference book belongs in every library, business office and government agency and on the desk of every Californian with a special interest in state government and politics.

WHO'S WHO AND WHAT'S WHAT IN CALIFORNIA



The first edition of the California Journal Almanac of State Government and Politics contains a survey of how California government works, basic information on the executive, legislative and judicial branches of government and the state's congressional delegation, district maps and descriptions, election results, data on state budgets and taxes, population trends, an outline of the Political Reform Act of 1974, who's who in higher education and a roster of elected officials of other states, and much, much more.

Copies of the Almanac are $3.13 each, including sales tax and postage. Send your order to: Journal Almanac, 1617 10th St., Sacramento 95814.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Doing more than just 'lickin' and 'stickin'

By Ellen Boneparth

After surveying patterns of political participation among American women in 1972, pollster Louis Harris concluded that "candidates and political parties are making poor use of the 'woman power' available for campaigns." This conclusion is being reiterated by female political activists in California who are seeking more influential roles in politics, both as candidates and as campaign workers behind the scenes. A study of women campaign workers in the 1974 general elections in Santa Clara County challenges a number of myths surrounding the participation of women in campaigns. Here are two myths — and the reality found in Santa Clara County:

Myth: *Women working on campaigns are political neophytes.*

Reality: Of 70 women surveyed, all had previous campaign experience, two-thirds had worked on three or more campaigns, and one-fifth on at least ten.

Myth: *Women play support, rather than leadership, roles.* (As Mayor Moon Landrieu of New Orleans put it, "Women do the lickin' and stickin', while men plan the strategy.")

Reality: Nine percent of the women were campaign managers, 11 percent held other offices on the campaign, 16 percent were heads of precinct organizations, 20 percent headed other types of campaign activities (office manager, special events, publicity) and 20 percent were county or municipal coordinators; nearly half worked full-time and a fourth were paid; 54 percent were frequently engaged in strategy planning and 50 percent worked on raising funds — both often regarded as male preserves.

Women for women

In part, women were successful in obtaining responsible positions in campaigns because of the relatively large number of females running for office in Santa Clara County. Women candidates ran for the mayoralty of San Jose and for two of the county's five state Assembly seats. Not surprisingly, women working for female candidates were more likely to hold top management positions on the campaign than women working for male candidates.

The study showed that women found their campaign work highly satisfying. (The paid workers reported higher levels of satisfaction than the volunteers.) Also, full-time workers were more satisfied than were the part-time workers, in large part because they had fewer competing responsibilities and were able to immerse themselves fully in the campaign. When asked about future participation in campaigns, 80 percent of the women surveyed indicated a commitment to work on campaigns in the future.

The picture was not entirely rosy, however. In post-election interviews, a number of women reported dissatisfaction resulting from encounters with sex discrimination on the campaign trail. Concerning salaries for campaign workers, women noted that they often were paid less than men performing the same work. Many women also remarked on the exclusion of women from the inner circle of decision-makers, which is reflected in the following comments:

Everyone involved in the campaign had a specific responsibility, but the small-core group of men had the power and authority of making major campaign decicions.

Men seemed to have more responsible positions, women came in as volunteers, but within that structure there was no real discrimination. Of course, that structure, itself, was discriminatory.

Finally, women resented the attitudes of their male colleagues. Descriptions of male attitudes ran the gamut from condescension to protectiveness, from not taking women seriously to being insensitive to their particular needs.

If given the choice of working for male or female candidates, a number of women preferred working for female candidates. Besides the obvious reason of electing more women to office in California, this preference was based on the belief that female candidates attract more women workers who "get more done" and who are "more sympathetic and aware of people" than are men.

None of the women reported actually confronting the issue of sex discrimination in the campaign, but they suppressed feelings of dissatisfaction in the interest of maintaining harmony and cooperation. They made it clear, however, that they would behave differently another time. A few women commented that they would insist on being paid in the future in order to "enhance their credibility."

Role in '76

Women will be seeking to play more significant campaign roles in 1976. Given the new campaign-finance limitations in California, women may also be more in demand since candidates will have less money available to hire professionals and will need to attract experienced amateurs. The Santa Clara County study suggests that a new breed of female campaign-workers is surfacing. These are women seeking a greater share of both the responsibilities and the rewards of campaign work. Few are willing any longer to put the campaign ahead of themselves. If denied real opportunities for participation, these women will either make their dissatisfaction known or even switch to campaigns in which they can have an impact — in many cases, working for female candidates.

In 1976 candidates will have to face a changing political climate.

There'll be more women running for office, some women activists will prefer to work in women's campaigns, and most women will want more responsibility. Candidates will no longer be able to monopolize, or take for granted, the pool of "woman power". They are going to have to offer women significant opportunities for participation. Lickin' and stickin' is, apparently, a thing of the past.

The author is an assistant professor of political science at San Jose State University.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

PSEPHOLOGISTS ALL

A probe into the mind of the California voter

By I. Nelson Rose

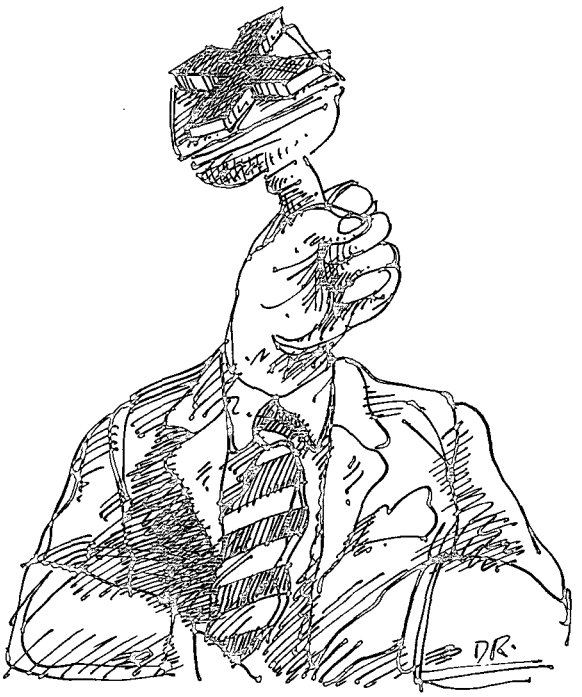
In the Spring of 1969 the news media told us that Tom Bradley was about to become the first Black mayor of Los Angeles. The finest, most scientific polls had taken the pulse of the people's heartbeat and found that the racial hatreds of the 1960s had died down. The people of Los Angeles said that they would vote for a Black – yet when the votes were counted Bradley had lost to incumbent Sam Yorty. Had the voters been lying to the pollsters to hide their true feelings, or had they been lying to themselves?

What candidate hasn't wished at one time or another to be able to peer into the voters' minds to see why votes are cast the way they are? The problem is that even the voters themselves do not always know their innermost motivations. Candidates may not be hiring mind-readers, at least not publicly, but they are calling upon a relatively new breed of experts whose predictions are sometimes only slightly more accurate. These experts, or *psephologists* as they are called, try to predict future elections from those of the past. Until very recently this science was considered an esoteric art whose hidden secrets were known only to campaign managers and political bosses, some of whom could engineer election results to match their predictions. Psephology gained some of the respectability of a true science when other experts stopped asking simply how a person votes and began asking why as well. Thus was born political psychology.

Can psephology work? Studies done in political psychology at Yale, the Survey Research Center of the University of Michigan and at UCLA suggest both yes and no. *Yes,* we can be reasonably certain that a Black Socialist will lose to a well-liked incumbent in a conservative Republican district when the interest in the contest is high. *No,* we cannot expect to be able to predict every election every time. Even the best public-opinion poll, psephology's basic tool, has a certain margin of error, sometimes as large as 3 percent, and many elections have been decided by margins smaller than that. If a candidate knows who can vote, and more important who *will* vote, he or she can choose the issues, the tactics and even the district to enhance the chances of victory.

Highly predictable

What goes on in an individual's mind when he or she makes a decision to vote? The factors are too vague and too numerous to count. This does not mean, however, that every vote is a random guess. On the contrary, voting is a highly predictable action, and the important factors — those most crucial in the actual decision-making process — are well known. What is unpredictable is how the candidate uses those factors and how they will affect any particular election.



Given the uncertainties of human events, the following is a rough guide to what you must know to win: who votes, how they vote, why they vote, will they vote, can you get them to vote, issues, tactics, the coat-tail effect, turn-out, drop-off, candidate loyalty, candidate defections, candidate image, minor parties, the power of incumbency, cognitive dissonance, ethnic and status groups, and uncounted other factors including the party registration of the voters' fathers (if you can uncover it).

Some candidates and their campaign managers may take these factors to extreme lengths. A west Los Angeles political expert, little known but highly successful, has classified voters not only by the standard census information of Black and Spanish-surname, but has categorized voting precincts by the national origins of ethnic Jewish voters and the economic status of Oriental Republicans. This expert is successful, however, because

The author, a UCLA graduate in political psychology, served as an assistant to Assemblyman Bill McVittie and with the Assembly majority consultants.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

he never forgets the most important fundamental factor behind voting behavior: the district's party registration.

Party registration

The single greatest factor in predicting election results is party identification. The Survey Research Center found that 88.4 percent of American voters cast straight party tickets in a typical off-year congressional election. So what about the case of Tom Suitt, a Democrat, who ousted Assemblyman Ray Seeley in a Republican district — and by a write-in campaign at that? [See "Tale of the write-in Superman," *CJ,* July 1975.] Or Paul Bannai's success as a Republican in a Democratic Assembly district? Or the many other elections in which party registration did not seem to matter? This points up the greatest danger of psephology: oversimplification. In the Bannai case, for example, the Democratic challenger had to overcome more than his opponent's incumbency, name recognition and strong campaign — Bannai's appeal to the formidable ethnic loyalty and traditional high voter turn-out of the large number of Japanese-American voters residing in his district.

A candidate who has the party registrations and the strength of party identifications on his or her side will win every time, other factors being equal. Although the other factors are hardly ever equal and a district with 58 to 60 percent of the voters registered as Democrats is not always a "safe" Democratic seat, registration figures and party loyalty still can never be wholly ignored.

Naturally, non-partisan and primary races complicate the picture enormously since the voters are often lacking the clues of party labels when making their choices. Primaries not only play by different rules, but the players are often able to change the rules in mid-game.

In the several races for mayor of Los Angeles run by Tom Bradley and Sam Yorty, not only were party labels missing but both candidates were Democrats. Fran Savitch, a loyal Democratic Party worker backed by the endorsements of every conceivable office-holder, was unable to win a non-partisan Los Angeles City Council seat against Zev Yaroslavsky, who could call on the allegiance of the large Jewish community in his district.

Those 'independent' voters

Here's another thing about party registration. Psychologists have found that the voters who register "decline to state" are not necessarily independent, concerned citizens who carefully weigh all the issues and disregard party affiliation before voting. To the contrary, "independents" and "decline-to-states" are more often the least interested and least motivated of voters; if they go to the polls at all, they are the most likely to vote for the top name on the ballot or the candidate most popular among their friends.

But don't knock friendship. Peer-group influence follows only party identification as the best determinant of voter preference. Newspapers and television, direct-mail appeals and even precinct-walkers have almost no effect compared with the pervasive, subtle influence of relatives, friends and such opinion leaders as respected clergy. Social pressure can't be beat and is very hard to manufacture artificially. The political trail is littered with the ruins of wrecked bandwagons.

Social pressures

Other forms of social pressure arise from belonging to religious, ethnic and economic status groups. John Kennedy received 80 percent of the Catholic vote in 1960, much higher than non-Catholic Democrats received, but he lost an estimated 17 percent of the Protestant Democratic vote in the South. Are voters more sophisticated today? In a special Assembly race just a few months ago F. Floyd Mori was doubly aided by social pressures: He is both Japanese and Mormon, two groups with strong loyalties and a high interest in political events.

What happens when social pressures conflict? What, for example, does a longtime Southern Democrat do when faced with a Black nominee of his party? People presented such a choice, psephologists have learned, may well cast no vote for the troublesome office or invalidate their ballots by voting for all candidates. The most Democratic part of California — San Francisco — was faced with a Democratic nominee in 1972 who deviated greatly from the traditional image of a presidential candidate. The result: San Franciscans voted for George McGovern, but with the lowest turnout of any of the other counties — and with probably the most voided ballots.

Psychologists have discovered another quirk of voters and people in general — we like to think that our friends share our views and opinions. The average husband or wife, possessing only a casual interest in politics, assumes that his or her spouse is registered in the same political party and votes for the same candidates. Very often this is not true.

A campaign's importance

With all these psychological forces at work why bother to campaign? Besides awakening partisan predispositions, campaigns accomplish two vital things: They improve name identification and define a candidate's image.

Name identification is important, despite the straight party voting of the majority of Americans. A person would rather vote for a candidate he or she knows and mildly dislikes than a complete unknown. (Former Assembly Speaker Jesse Unruh proved this point in the non-campaign campaign he ran in the primary election last June for state treasurer.) At least 2 percent of the population does not know the name of the President of the United States, and the name recognition decreases with lesser offices. One study found that only 38 percent of the people could name their representative in Congress. But, then, how many of us know the name of our represe..tative to the local mosquito-abatement or fire district, or water and school boards?

Image development — an evanescent work of art — becomes important once name recognition is established. Reactions to public figures can be measured on scales of feeling marked "good-bad", "strong-weak", and "active-passive". When we know very little about people we judge them only as being "good" or "bad", with us or against us, right or wrong. If we learn a little more, we can build on the good-bad scale and define people on the other scales — the other scales are only subtle refinements of the good-bad scale.

Campaigns change images. Before the campaign of 1972 most people had generally neutral or slightly negative feelings about Richard Nixon, while George McGovern was either unknown or considered somewhat favorably. Yet by election day Nixon was seen as a hard-working, competent (but not great) President, while McGovern was viewed as weak, wishy-washy, and, in the words of the pollsters, "doesn't inspire confidence as a President should". In other words, Nixon became good, strong and active as a result of the campaign, and McGovern slipped into an image of being bad, weak, passive and losing.

Besides the major factors affecting voter preference dis-

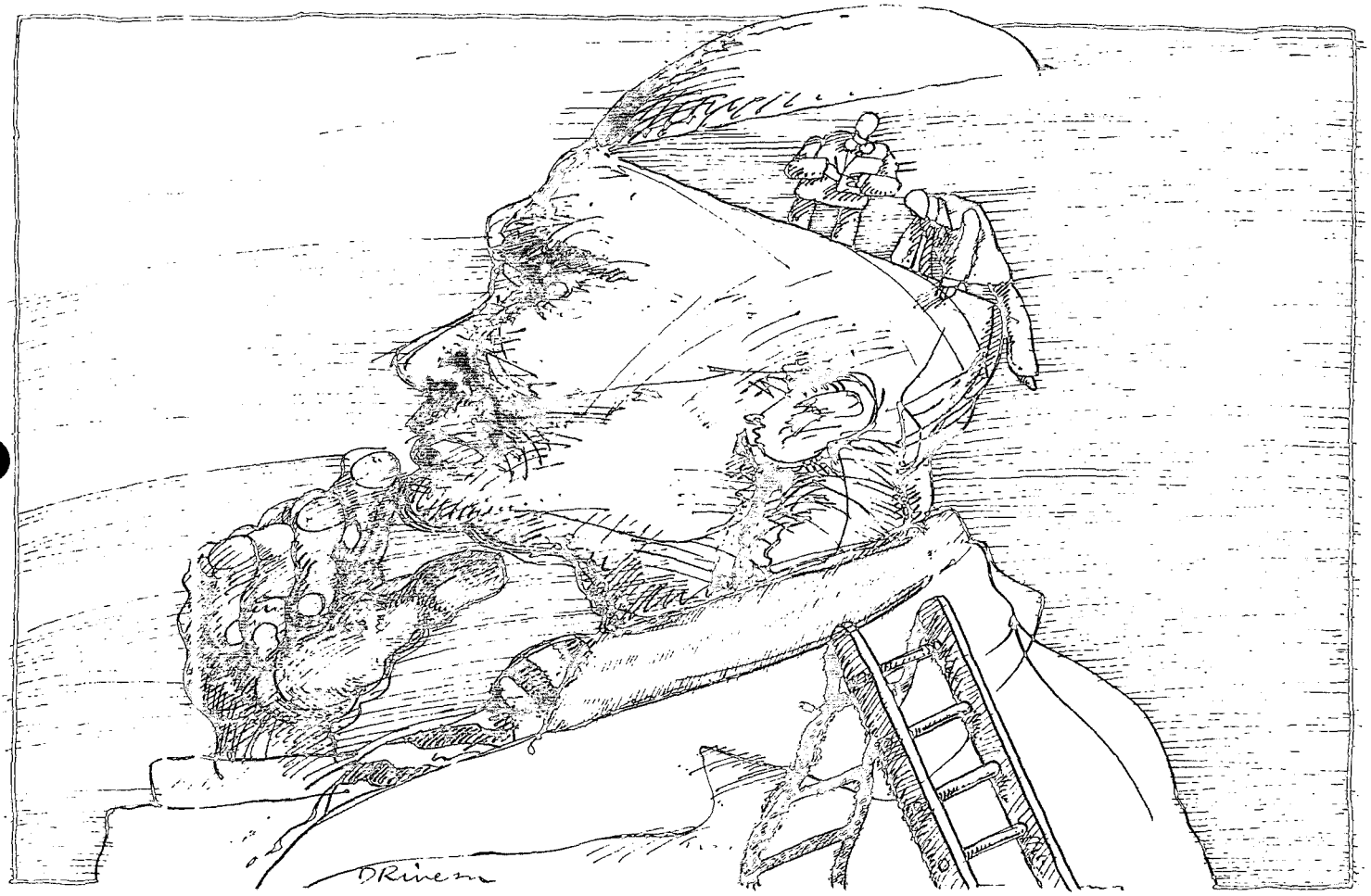
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cussed above, political psychologists have uncovered all kinds of strange, minor factors. And what about new social issues, or the changing influence of women, racial and ethnic minority groups and even politically aware homosexuals? Although these groups cannot be ignored, their political clout is probably overestimated. When acting as a third party they have been unsuccessful almost without exception; in some cases the left-wing Peace and Freedom Party has meant the margin of victory for the Republicans, while the right-wing American Independent Party unintentionally helped Democrats. (Rare exceptions are the local Berkeley City Council coalition and isolated *La Raza* victories.) Women and minorities are making significant gains working within the party structures. The major parties, especially the Democrats, are slowly realizing that a Black or Brown candidate does not automatically spell defeat. Minorities represent a larger percentage of the voting-age population every year, and they are organizing within their communities, creating that invincible social pressure needed to win elections. The formerly powerless almost never lose their hard-won gains.

Women are running for office in increasing numbers, and more female candidates will be winning, because they have become more socially acceptable, even among women, and women are now turning out to vote in numbers comparable to men. But women do not fit the stereotypes made for them by men. More women voted for Nixon over the more glamorous Kennedy in 1960 than did men, thus shooting down the sex-appeal-is-for-women myth. Nor do women automatically vote the same as their husbands; had they turned out in the same proportions as men in 1968, Hubert Humphrey would have been elected President. Women may oppose violence more than men, but they are also apt to be more opposed to rebellion against the status quo.

Individuals and groups

Still, the strength of these groups and movements can easily be overstated. The young, the poor and the powerless do not register and vote in numbers equal to their proportions in the general population. Many of the gains won were by individuals, not social groups. March Fong Eu won the Democratic primary for secretary of state mainly on the strength of her name recognition in Northern California. Ivy Baker Priest was an institution whose name appeared on many dollar bills. And the only Black in the United States Senate, Edward Brooke, comes from Massachusetts, a state where Blacks make up only 3 percent of the population (and he is a Republican).



What does all this mean to a candidate trying to predict how the people will vote? Basically, a voter's mind is not made up of clearly drawn compartments containing forces that dictate the vote. Nor is voting a matter of random guesswork. Science is beginning to demonstrate that the truth lies in between — that voting is based on the same human likes and dislikes, drives and whims that affect every decision. Registering, going to the polls and voting are definite, concrete, physical acts that can be predicted within the limits of predictability of any human act.

It is up to the candidate to study the voter's mind, weigh all the factors, and make those predictions. Only after the votes are counted will the candidate have the true measure of how accurate those predictions really were.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California *NEWSBRIEFS*

Feinstein eased out of run-off for San Francisco mayor

The surprise in last month's vote to elect a successor to San Francisco Mayor Joseph Alioto was that one of the two supposed front-runners didn't make this month's run-off. Supervisor Dianne Feinstein finished third in a field of five, behind Supervisor John Barbagelata and state Senator George Moscone. She blamed her defeat on overconfidence, which translated itself into a decision to spend lightly in the primary to save funds for the December 11th final. Moscone went all out in the preliminary round, however, and will face Barbagelata with a $30,000 limit, while his opponent can spend up to about $67,000 under the city's campaign-spending law. (The overall limit is $127,000.)

San Francisco's voters may have responded the way they did less through not understanding Feinstein's positions than through understanding them too well — particularly regarding public employees. Though she had opposed the strike by the city's police force, she remained identified as sympathetic to the striker's position. Barbagelata was clearly opposed to such strikes and to Alioto's yielding to the strikers' salary demands through us of an emergency clause in the city's charter. And he apparently rode the same wave of voter sympathy that resulted in approval of ballot proposals banning strikes by public-safety workers and limiting mayoral initiatives in declared emergencies.

Moscone was top vote-getter with 66,672, followed by Barbagelata's 40,842. The Senator is identified with liberal ideas regarding, for example, collective bargaining for public employees, reducing penalties for personal use of marijuana and removing the state from its citizens' bedrooms. His opponent generally doesn't share these social views and defines himself as "a fiscal conservative" and Moscone as "one of the big spenders."

The candidates and their percentages of the vote: Moscone, 31.5; Barbagelata, 19.3; Feinstein, 16.2; Superior Court Judge John Ertola, 14.4; state Senator Milton Marks, 13.3. San Francisco voters also retired District Attorney John Jay Ferdon, replacing him with Joseph Freitas Jr., a 35-year-old attorney specializing in labor law, and re-elected Sheriff Richard Hongisto.

Lobbyists are fined total of $73,410 for late expense reports

Secretary of State March Fong Eu notified 202 registered lobbyists and 329 employers that they were being fined for failure to file monthly expense reports under terms of the Political Reform Act of 1974 (Proposition 9). Those fined included Common Cause, one of the act's sponsors, which was billed for $30. The top fine was $600.

Abernathy *vs.* Fazio to succeed Z'berg in 4th Assembly district

The 4th Assembly District, which covers Yolo County and parts of Solano and Sacramento counties, will elect a new Assembly representative December 2nd. The finalists — Republican Mike Abernathy and Democrat Vic Fazio — are seeking to succeed Democrat Edwin Z'berg, who died in September. Z'berg had narrowly defeated Abernathy a year ago.

In the primary, Abernathy finished first with 18,309 votes, or 37.9 percent of the total, followed by Fazio's 15,069, or 31.2 percent. The other candidates were Republican Andrew Gyorke, who got 1,049 votes, and Democrats Joe Espigares, 6,344; Ida Casillas, 5.165; Tom Hannigan, who had withdrawn after his name had gone on the ballot, 1,125; Gil Martinez, 721; and Michael Sands, who had withdrawn, 717.

13 measures set for June ballot, with more possible

The secretary of state's office lists 13 measures as having qualified for next June's primary-election ballot, including one initiative — the Nuclear Power Plants Initiative. This would halt construction of such plants and require the phasing out of existing ones unless the Legislature finds them to be safe under terms to be decided. In addition, the Legislature added the following dozen measures:

Bingo. A constitutional amendment allowing cities and counties to provide for bingo games "for charitable purposes".

Deposits. A constitutional amendment to permit public funds to be deposited in savings-and-loan institutions as well as banks.

Parks. A constitutional amendment permitting the Legislature, by two-thirds majority, to issue refunding bonds to pay off the state's indebtedness.

Preservation. A constitutional amendment to allow local governments to cut property tax on "historically significant" structures.

Taxes. A constitutional amendment permitting bank and business taxes to be changed by simple majority vote (as is the case now with income and sales taxes) instead of by a two-thirds majority.

Insurance offices. A constitutional amendment to end the tax exemption granted insurance companies for their home offices in California.

Usury. A statute changing the maximum rate of interest that can be levied under specified conditions.

School bonds. Issue $200 million in state bonds to construct or improve public-school buildings.

Water bonds. Issue $175 million in state bonds to construct and improve water systems.

Cal-Vet bonds. Sell $500 million in state bonds to aid veterans to purchase farms, homes and mobile-homes.

Community-college bonds. Issue $150 million in state bonds to meet community-college building needs.

The Legislature could add measures after reconvening in January. And a handful of initiatives are still making the rounds.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

REWARDING SUCCESS, NOT FAILURE

Early childhood education, the school reform that works

By Ruth Pritchard

Early Childhood Education is not just another educational program. It is a revolutionary change — the reform of schooling beginning in kindergarten and going through third grade. The approach differs from such previous educational reforms as the federal government's Headstart Program aimed at helping low-achieving pupils in poor areas in that Early Childhood Education is aimed at *all* students, and is a complete restructuring of education, not just an "enrichment" program for the disadvantaged.

The most far-reaching reform ever attempted by any state, California's Early Childhood Education in its third year covers approximately 375,000 school children, one-third of all children in kindergarten through third grade in the state and is operating in 90 percent of the state's school districts. Programs are evenly divided according to socio-economic conditions, with only half of the funds required to be in schools designated as "disadvantaged".

Early Childhood Education also differs radically from federal programs in that it is the first educational program to reward *success* instead of failure. (One of the criticisms of a decade of federal programs is that schools were given money on a demonstration-project basis. Those that failed to demonstrate success were given additional money to try again. Successful programs were cut off from federal funding on the assumption that they would be continued with local funds. This seldom happened.) With Early Childhood Education, a program evaluated as successful earns more money for the district to introduce the program to more schools. Districts with poor evaluations, on the other hand, are told to come up with an improved plan and demonstrate its success before seeking expansion.

No miracles

Although the program is making fundamental changes in the traditional way schools work, Wilson Riles, state superintendent of public instruction, says that Early Childhood Education involves no new way of teaching or learning. "It has no easy solution; it simply applies the things we have learned that work in educating children through the years in new and exciting ways." Bruce Scott, a community counselor with Pacific Grove Unified School District on Monterey Bay, thinks the attitude and values of the people involved in Early Childhood Education are the secret of its success:

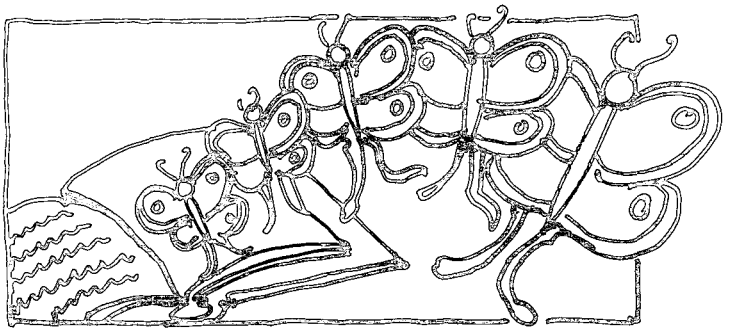
I have found the individuals involved generally different from other teachers in that they are more relaxed, innovative, appreciative of the differences in children, provide an atmosphere of mutual respect and are, overall, positive in their relationships with children.

While the other more traditional approaches to education at higher grade levels are basically irrelevant and continually "turn off" kids to not only learning but themselves, in Early Childhood Education there is room, not only monetarily and physically, but in attitude for individual self-growth, stimulation and excitement (which requires the kind of teacher that values these things in people). And it is these things that are essential for continued self-motivation to learn and remain excited by learning.

Individualized instruction is a basic premise of the program, and an early-warning system is built into the design of instruction for each child. Each teacher keeps a record of the strengths and weaknesses of every child in each of the basic skills — especially reading and mathematics. The teacher can call in a specialist to diagnose a child's learning problems and prescribe remedies, and then concentrate on meeting the child's needs. There is nothing new about this theory; Early Childhood Education has found a way to make it work.

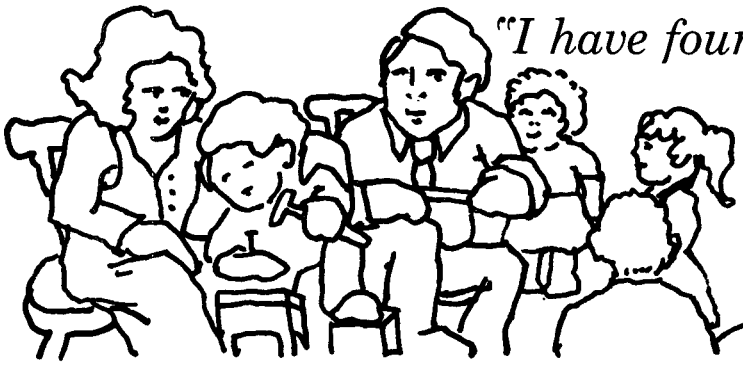
Parental involvement

Such individualized instruction has been impossible in the usual classroom with one teacher to 30 or so students. The key is a massive infusion of aides and volunteers into the classroom to lower the adult-pupil ratio to at least 1 to 10. Grandparents, parents, junior and senior high students, older elementary school children and other volunteers help the teacher give each child special attention. Bringing parents and other volunteers into the classroom reverses an educational trend of decades in which parents were discouraged from helping children to read and write and from "interfering" with the teachers' job. Now, parents are getting intensely involved in the schools. Parents and teachers plan the program's goals together. Parents also visit classes to learn methods of



The author has previously written on education-related subjects for the Journal.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



"I have found the individuals involved generally different from other teachers and, overall, positive."

parenting and how they can better help their children at home.

Another difference in this program is the way in which money is spent. In the first year, 44 percent of the funds went to hire additional instructional aides, 15 percent bought new materials and 22 percent paid salaries of additional teachers and other professionals. Only 2 percent went to pay administrative costs.

Local schools, with the required cooperation of parents, plan a program and submit it to the state Department of Education. If the program is approved, the school gets $140 per pupil (plus $70 extra if the pupil is among the lowest quarter of the pupils in achievement) to spend as parents and teachers decide it can best meet their needs. As a result, no two schools in the state are exactly alike or work in the same way. For example:

At 107th Street Elementary School, in an all-Black section of Watts, money was used to hire "parent-volunteers" because not enough parents could afford to donate their time.

At Warner Avenue Elementary School, in the Holmby Hills section of Los Angeles, the 150 parent-volunteers do not need the money, so professional experts were hired to improve curriculum and much-needed instructional materials were bought instead.

National interest

"What California is doing is very promising," says Terrell H. Bell, United States commissioner of education. "I agree with it a hundred percent. I think there is a need for early childhood education at all socio-economic levels. I believe that parents need to be intensely involved in the schools, because the success of the children is closely related to the parents' involvement." Other educators and governmental experts across the United States are watching the California program to see if it can meet needs elsewhere. School achievement, especially in reading and math, has been declining across the country in recent years.

Testing after the first year of California's program shows 10-to-40 percent increases in average pupil performance in reading and math depending upon the school. Children of all socio-economic levels have shown gains. "The first-year results were far beyond anything we anticipated," Riles says. "We didn't expect to show any improvement for the first year, because we were gearing up for a new program." Riles expects to find further gains after analysis of the second year.

Functional illiterates

Started in the 1973-74 school year with a $25 million appropriation and programs for 12 percent of the state's kindergarten-through-third-grade children, the program received $40 million more the second year. This enabled it to reach 22 percent of the state's children. Early Childhood Education originally was scheduled to expand to cover 40 percent of the children in the 1975-1976 school year, but got only enough to stretch to 33 percent in the current budget.

Beginning with his election in 1970, Riles set out to put major resources and effort into restructuring the elementary schools. He was determined to stop the practice of graduating functional illiterates (those who read and write at a fifth-grade level or below), and to eliminate costly and often futile remedial efforts in the upper grades by providing the fundamentals to the children in their first three years of school. (It has been established that as many as 80 percent of youngsters in juvenile halls had learning difficulties in school and an estimated 59 million adults are functionally illiterate, a high concentration of them on welfare or in trouble of some kind.)

Record-keeping

"Research findings show that 80 percent of a child's intellectual potential is developed by the time the child is 8 years old," Riles says. "Therefore, it makes sense to put our effort into restructuring and improving those early years of schooling." The goal is to have every child able to read and compute by the time he or she leaves the program.

The initial emphasis in Early Childhood Education, which is often abbreviated to ECE, is not on teaching 5-year-olds to read and to write. Rather, ECE stresses giving each child an experience of success at his or her own level of accomplishment. "It is not just that we want a child to be able to learn to read," Riles said, "but we want the child to be *excited* about learning and to *love* to read." At the beginning, the objective is for children to develop positive feelings about themselves and toward school. Only when the teacher's records show that a child is ready does teaching of the "three Rs" begin. (This might come anywhere from age 5 to age 8.) Determining when to teach a child to read involves continuous appraisal and measuring or testing of each child's level of development. The process looks at all areas, not only motor skills and cognitive abilities, but also health, behavior and attitude. And the initial prescription is modified as changes occur in the child. Records of each child's progress are shared with the parents so that at all times they know the child's learning pattern.

It is this area that has drawn the greatest criticism. Teachers complain that they must keep voluminous records on each child and are buried under paper work; some teachers and principals say they don't want the program in their schools because of all the extra work involved. Other teachers may sigh over the extra work but appreciate what it does. (For example, Cheri Garcia, a teacher at West Novato Elementary School north of San

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Francisco, says: "I hate doing all that record-keeping, but it makes me a better teacher; I know exactly where each child is.") Further, some teachers resent having parents invade their "turf". Others, accustomed to standing up and talking down to 30 children in a classroom, did not like the new environment.

Such changes can be accommodated, however. One 20-year teacher in San Diego's Belle Benchley School recalled: "At first I felt very threatened with three or four other adults in the classroom, but now I wouldn't have it any other way." The influx of thousands of parent volunteers has unquestionably increased the resources available to schools, not only for tutoring children with special reading and math problems but for generally "enriching" the programs for children. A visitor to Belle Benchley School found one mother conducting a science experiment for 7- and 8-year-olds at one end of the room; in another, a male college student was using a manipulative educational toy to teach math principles to a 6-year-old boy. The boy will then go back to his group and share what he has learned.

Parental role

Some schools complain that they are unable to find sufficient volunteers and lack funds to pay for the required classroom aides to keep the ratio at 1 adult to 10 pupils. A few parents resent the fact that they are expected to spend time in the classroom. It is true that some parent participation is required but the obligation is upon the schools to make the opportunity to participate available to parents; there is no requirement for individual parents to do anything that they don't want to do.

Other criticism of ECE has come over the testing and evaluation reports issued by the state Department of Education. Two separate reviews of the report (by Arlene Fink and Ralph Hoepfner of UCLA and Forrest Harrison of Claremont College) charge that the successful test results are exaggerated. However, Alex Law, chief of program evaluation for the state department, contends that his figures are conservative. There are arguments that the increase in reading and math scores cannot be attributed to Early Childhood Education alone, that there were other extra funds being given to the schools that showed test increases. But the department maintains that it was able to prove that ECE alone made the difference. (An analysis of test scores showed that, when the program was added to schools that had either no other special funding or a combination of other funding programs, the schools having ECE turned up superior performance compared with the schools without it, even after the schools were matched in terms of socioeconomic standing.)

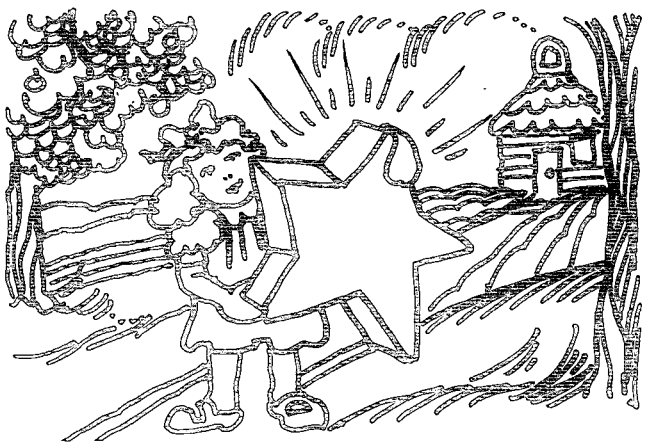
Many supporters

Some school districts, denied expansion of the program because their initial efforts did not demonstrate success, have criticized the evaluation system. And some critics charge that ECE is basically a math and reading program, excluding music, art and other subjects. Dorothy Blackmore, a consultant to the Department of Education on the program, points out that its policy statement calls for a "balanced curriculum", but concedes that some teachers and administrators may have interpreted that in such a way as to give math and reading too much dominance. The department will stress balance in future programs, she adds, and is revising its monitoring and reviewing methods to assure fair evaluations.

Whatever the controversies, most of the parents, teachers and schools involved in Early Childhood Education say they will never willingly go back to the old methods. Dolly Lesky, a parent-volunteer at West Novato School, says: "I'm angry my two older children didn't get the chance to experience this kind of education. When you start out giving children the extra help in the early years, you don't need to try to give it in the upper grades when it's too late. And if the child *needs* extra help, no one knows it because the program is individualized: Everyone uses different papers and different books. You never have the feeling that one kid is doing badly or is stupid."

Governor Edmund G. Brown Jr. apparently sees cause for hope in Early Childhood Education, too. In the face of stringent money cuts for education, Brown approved an additional $20 million this year to continue expanding the program. He has mentioned ECE when talking of educational reform, and his instructions to his administrators to challenge all programs in terms of results echoes the ECE concept of rewarding success.

In less than three years, Early Childhood Education has generated considerable momentum for change. Many of its concepts are being adapted for use in the upper elementary grades and in schools where it has not yet been introduced. Some say that ECE may turn out to be a better approach to total school reform than the recommendations made by the Reform of Intermediate and Secondary Education Commission. [See "The fall of RISE," *CJ*, October 1975.] In fact, the impact of this sweeping attempt to revitalize public education may not be fully realized until the youngsters now in the program



"The initial emphasis in Early Childhood Education stressed giving each child an experience of success."

reach maturity. If there is merit to the theory that an early brush with personal success increases the chances of enjoying success throughout one's life, then ECE's ultimate success may show up in such indicators as lower crime rates, reduced welfare costs, higher human productivity and greater individual dignity.

Wilson Riles must accept that, judging from his commitment to Early Childhood Education. "I have been in education and politics long enough", he says, "to know that you can't choose to die on every hill. But I will fight for Early Childhood Education. This is one hill I am willing to die on."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CAMPAIGN FUNDING ANALYSIS

Who gave what to whom in '74

By JOHN MINTZ and TOM SHEAN

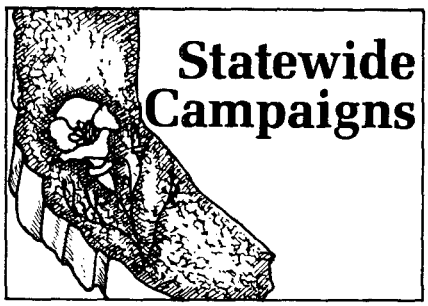
Nancy Rockeman was assigned the task last year of meeting the campaign-finance reporting requirements of the Waxman-Dymally Act (since replaced by the Political Reform Act of 1974) on behalf of Assemblyman Ken Meade of Berkeley. She had no quarrel with the detailed reporting of contributions and expenditures. But the reporting process for the 1974 campaign, she said, was horrendous. "The basic problem was with the form," she said. "I spent eight to nine hours on each statement. Nobody wants to be a campaign treasurer now, because you almost have to be a CPA." In fact, most campaigns these days do seek out an accountant to fill the job of treasurer.

Mavis Perry and an assistant spent almost 1,000 hours in the Secretary of State's office examining campaign-disclosure forms for a 10-state survey by the Princeton-based Citizens Research Foundation. She described the frustration of trying to track down contributions listed in the reports: "It was a terrible chore. I committed myself before I realized the scope of the work."

Some 735 candidates sought nomination for legislative, judicial and statewide office in the 1974 primary; 357 candidates ran in the fall. Under the Waxman-Dymally Act candidates, committees and contributors giving $5,000 or more had to file periodic, 12-page reports on their financial dealings. Despite the difficulties involved in deciphering the complex disclosure reports, the 12,000 documents filed with the secretary of state give some idea of how the money flowed through the 1974 political campaigns. Immediately evident from an examination of the reports:

- A handful of groups — those representing teachers, state employees, doctors, and dentists — dominated the spending.
- Incumbents picked up the lion's share of contributions from business, labor and other special-interest groups.
- Contributions of less than $100 made up a miniscule part of the campaign financing.

What follows is an analysis of the 1974 general-election campaign spending, based entirely on reports filed by candidates under the new election-reform laws. Contributions, expenditures and balances often do not tally because some candidates have holdover funds and holdover debts and some loans are repaid and others are not.



Statewide Campaigns

In the run-off for governor, Edmund G. Brown Jr. collected about $2 million and spent about $1.5 million. Loser Houston Flournoy raised $2.2. million and spent about $1.8 million. Brown had about $40,000 left over after the election, and Flournoy had debts of about $320,000, mostly in unpaid loans.

Immediately after the June primary, at which Proposition 9 was approved, Brown and Flournoy agreed to stay within the spending limits the reform act would later impose, restricting spending for advertising in the media to about $900,000 each. The limits are determined by the number of eligible voters in the state, multiplied by a sum per voter that varies by office. For the general election a gubernatorial candidate may spend 9 cents for each eligible voter. Last year this amounted to $1,280,333. In all other statewide races candidates may spend 3 cents for each eligible voter during the primary campaign and again during the general — or $426,700 for each campaign last year. And incumbent candidates could spend 10 percent less than that limit in recognition of the political advantage in running for reelection.

In the race for lieutenant governor, Democrat Mervyn Dymally collected about $345,000 and Republican John Harmer $400,000.

For controller, Ken Cory collected about $766,000 — some $615,000 of it in loans, mostly from his two highly publicized Orange County associates, Richard O'Neill and Louis Cella. Cory spent only about $210,000 on the general election.

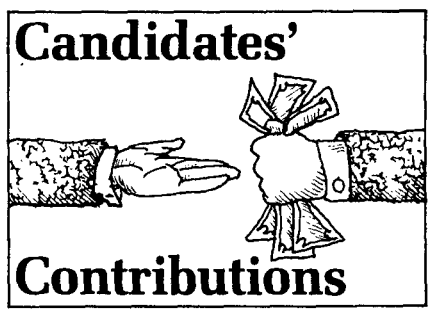
For treasurer, Jesse Unruh raised about $112,000. Republican John Kehoe collected nearly $90,000.

For attorney general, Republican Evelle Younger raised about $507,000 and spent about $597,000, leaving his campaign in debt. Losing Democrat William Norris raised about $394,000 and owed $159,000.

For secretary of state, March Fong Eu raised $164,000 and owed $55,000. Republican Brian Van Camp collected about $243,000 and spent $290,000 in losing.

BOARD OF EQUALIZATION. Incumbents on the four-member Board of Equalization have traditionally had little trouble being re-elected to office. In two of the four races, campaign finances were lopsided in favor of the Democratic incumbents. In the 4th District, incumbent Richard Nevins of Pasadena raised close to $100,000 and spent $33,500, while his Republican opponent, William Getty, raised $320 and spent $930. In the 1st District, Democrat George Reilly spent $20,800, while Republican challenger Hank Arklin spent $8,800. Incumbent William Bennett of Kentfield reported spending nothing in his campaign; Bennett's opponent, Republican Tally Mastrangelo of Sausalito, spent $7,000.

Campaign financing for Board of Equalization candidates was lopsided partly because business firms affected by the board's decisions contribute to incumbent members. Airlines, railroads, utilities and department stores were among the contributors. Republican challengers received only a handful of contributions from businesses and relied on funds from party committees and individuals.



Candidates' Contributions

For Democratic candidates in tight races, contributions from other candidates often proved helpful. San Francisco Assemblymen Leo McCarthy and Willie Brown, rivals for the Assembly speakership, were the most active donors to other candidates.

McCarthy raised $56,200 during the general-election campaign and handed out $47,600 to others. He gave $5,000 to Mervyn Dymally and $32,600 to 14 Assembly candidates. McCarthy's largest contribution, $10,000, went to incumbent Assemblyman Bob Wilson. Other Assembly candidates to receive McCarthy money included:

Fred Chel, $3,500; Alfred Siegler, $3,185;

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Paul Carpenter, $3,000; Pauline Davis, $2,000; and John Garamendi, $2,000.

Speaker McCarthy gave money to one candidate challenging an incumbent, John Garamendi, and to one losing, incumbent Ray Gonzales, who lost to Republican Bill Thomas.

Willie Brown distributed $15,830 to 13 fellow candidates — $1,000 to March Fong Eu in the secretary of state race and the rest to 12 Assembly candidates. Nine Assembly candidates, all winners, received money from both McCarthy and Brown — Gary Hart, Bob Wilson, LawrenceKapiloff, Joe Montoya, Paul Carpenter, John Garamendi, Alfred Siegler, Fred Chel, and Michael Wornum. Wornum, Siegler, and Kapiloff faced tough races in their districts and drew money from other assemblymen besides McCarthy and Brown. Kapiloff got $7,000 in contributions and $7,000 in loans from 12 assemblymen, and Wornum received $6,500 from 10 others.

LOPSIDED SPENDING. Major-party candidates in several legislative races waged only token campaigns. In 19 of the Senate races, five Republican candidates raised and spent less than $1,000 each. This did not deter most incumbents from spending whatever they could raise.

Senator George Moscone's Republican opponent Max Woods spent $1,100, but Moscone, a candidate for mayor of San Francisco, spent $155,850 and went $39,300 into debt. Senate incumbent Nate Holden spent $118,000 while his Republican challenger, Hans Mechtold, raised and spent $3,800. Senator Alfred Song spent $63,000 campaigning against Republican Walter Schroetter, who raised less than $1,000.

In the 79 contested Assembly races, seven candidates raised $1,000 or less, but there were fewer cases of lopsided spending. Republican Paul Priolo's campaign was an exception; Priolo spent $162,000 while his Democratic opponent, Betty Mann, spent $6,700. Priolo won the general election at a cost of $3.14 per vote.

SURPLUSES AND DEFICITS. When the dust cleared, three-quarters of the winners in legislative races had campaign funds left over. Half the winners had surpluses of at least $10,000, and six had $25,000 or more left. In the Assembly, where 58 of the 80 winners had surpluses, John Briggs had the largest, $71,400. Other Assembly winners with sizable surpluses were:

Richard Alatorre (D), $49,600; Robert Badham (R), $45,900; Charles Warren (D), $39,900; Wadie Deddeh (D), $30,500; Richard Hayden (R), $28,300; and William Craven (R), $25,400.

In the Senate, 12 of the 20 winners had surpluses. Those with the largest were:

John Holmdahl (D), $45,400; Ralph Dills (D), $18,700; Dennis Carpenter (R), $14,400; George Zenovich (D), $13,500; and James Mills (D), $11,600.

Two Senate winners had large deficits: Alan Robbins, $106,000 and Senator George Moscone, $39,380. Republican William McPherson, who lost to Senator John Dunlap in the 4th District, had a $50,390 deficit.

In the Assembly, 17 winners had deficits. Democrat Richard Robinson had the largest, $53,800. Others were:

Paul Carpenter (D), $24,252; Michael Wornum (D), $21,441; Bill McVittie (D), $16,208; Bruce Nestande (R), $19,228; and Lawrence Kapiloff (D), $14,300.

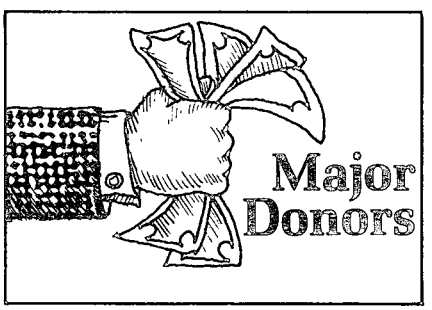
NON-MONETARY DONATIONS. Business firms, labor unions and individuals often also supported candidates with goods and services, most frequently the printing and distribution of campaign materials.

Santa Anita race track, with the assistance of lobbyist Ken Ross, provided candidates with free computer and mailing services.

Pacific Telephone gave the state's Democratic and Republican parties lists of residential telephone customers and their phone numbers. (It offered the same service to the American Independent and Peace and Freedom parties but was rebuffed.)

Hewlett-Packard loaned an employee to Flournoy's gubernatorial campaign, and Ed Daly of *World Airways* provided Flournoy with free air travel. Other firms and individuals supplied candidates with such things as food, liquor and office space.

MONEY RETURNED. Jerry Brown made news during the primary campaign when he returned a $1,000 contribution from ***Dow Chemical.*** John Harmer, Republican candidate for lieutenant governor, returned $1,500 to ***Dart Industries*** of Los Angeles. Three successful Assembly candidates, Willie Brown, Leona Egeland and Alan Sieroty each returned checks for $100 to $300 to ***BankAmerica Corporation,*** and Assemblyman Brown also returned $200 to ***Household Finance.*** Assembly incumbents Leo McCarthy and Dixon Arnett each returned $500 contributions from ***Union Oil,*** and Assemblyman Tom Bane returned $1,500 from the ***California Medical Association's Political Action Committee.*** Senator Anthony Beilenson returned $500 to Twentieth Century Fox.



Associations of teachers and employees gave much more money than in the past, and their political influence (and savvy) appears to be rising. Labor unions made their presence known, too, but their contributions did not make a similar quantum leap from those of past elections. Corporations, as usual, gave more money than any other group. With few exceptions, individuals did not give in startling amounts, nor make or break many campaigns.

The contribution totals listed below include those to candidates in federal and local races and to proposition campaigns.

EMPLOYEE GROUPS. The 140,000-member ***California Teachers Association,*** through its political arm, the "Association for Better Citizenship," gave out $536,800. (ABC collects $5 a year from the dues of CTA members.) The CTA spent $325,000 on statewide and legislative races — mostly to pro-union Democrats. Governor Brown received $25,000, as did Lieutanant Governor Mervyn Dymally, and Jesse Unruh and March Fong Eu each got $5,000. State Senators Robert Presley, John Dunlap and Jerry Smith received $10,000 each; Senator Peter Behr, Assemblymen Richard Hayden, Robert Beverly and Jerry Lewis, and Assembly candidate Bob Bark were among the few Republicans to get CTA funds.

The 110,000-member ***California State Employees Association*** contributed $267,200 to candidates during the general election campaign, including $14,600 to Jerry Brown. In statewide races, CSEA gave large sums to both Democratic and Republican candidates. Democrats Dymally and March Fong Eu each received $7,500, Republican William Bagley received $7,500, and Evelle Younger $5,000. In legislative contests, CSEA was especially generous to chosen candidates in close races. Senators Jerry Smith and Omer Rains received at least $7,500 each; so did Democratic Assemblymen John Garamendi, Richard Robinson, Larry Chimbole and Fred Chel, all of whom had stiff competition.

The ***California Teamsters Legislative Council*** handed out $121,700, but mostly sat out the gubernatorial campaign. The Teamsters gave Treasurer Jesse Unruh $6,000 and Lieutenant Governor Mervyn Dymally $4,450; March Fong Eu got $4,500, and Ken Cory and Evelle Younger $3,500 each. The Teamsters spent $1,000 or more on four Senate candidates and 17 Assembly candidates.

The ***California Labor Federation*** AFL-CIO spent $121,200. The United Auto Workers' Region Six in Los Angeles gave $103,200, $41,000 of it to Jerry Brown and $3,000 to William Norris; March Fong Eu picked up $2,600, and Cory and Unruh $2,000 each.

TRADE GROUPS. ***The California Association of Realtors'*** Real Estate Political Action Committee spent $224,800, the Association of California Life Insurance Companies $54,500, and the California Loan and Finance Association $17,640. The 2000-member ***California Trucking As-***

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sociation gave $32,520 spread among 13 Senate and 45 Assembly candidates, most of them incumbents. Senators Walter Stiern and Dennis Carpenter and Assemblymen John Foran and Willie Brown got $1,000 each.

PROFESSIONAL GROUPS. *The California Medical Association* spent $320,000, half of it on candidates in federal campaigns, and the *California Dental Association* spent $264,000. Both groups hedged their bets by giving to both gubernatorial candidates, though both favored Flournoy. The doctors gave $15,000 to Brown and $25,000 to Flournoy; the dentists gave $12,500 to Brown and $25,000 to Flournoy.

In legislative races, the medical association gave $5,000 contributions to four Republicans in close races — Assemblyman Robert McLennan, Assembly candidate Pete Vander Poel, and Senate incumbents Peter Behr and Craig Biddle; 18 Assembly candidates and 11 Senate candidates received contributions of $1,000 or more.

The dental association gave Republicans Evelle Younger and William Bagley $5,000 each and Democrats March Fong Eu and Jesse Unruh, $2,000 each. But the dentists focused their attention on the legislative candidates. They gave to 13 candidates in the 19 Senate races (and to three incumbent senators who weren't up for reelection); 12 of the 13 received $1,000 or more, and challenger Jerry Smith received $5,000. In the Assembly races, the dental association gave to 76 candidates in the 79 races. Sixty of these candidates received $1,000 or more; in three close Assembly races, the dentists gave equal amounts to opponents.

OIL-COMPANY CONTRIBUTIONS. Nine major oil companies gave out more than a half-million dollars in campaign contributions, with large sums spent to support rapid-transit measures in Southern California. Almost half the $536,000 total came from Atlantic-Richfield (ARCO) of Los Angeles. Oil-company donors gave token contributions to Democrats running for statewide office and spent larger sums on Republicans. Republican John Harmer picked up a total of $10,000 from four oil companies. Controller Ken Cory, who campaigned as "the man the oil companies fear most", was the only major party candidate running for statewide office to get no money from big oil companies.

The five largest among the oil company contributors were:

Atlantic Richfield, $238,000; Standard Oil of California, $108,800; Union Oil, $90,150; Shell Oil, $52,000; and Occidental, $25,000.

BANKS. California banks spent more than $200,000 on candidates and propositions. The *"Bankers' Responsible Government Committee,"* the principal conduit for banking contributions, distributed $47,500 to 53 Assembly candidates and 15 Senate candidates. In the Assembly races, the bankers' group singled out most members of the Assembly's Finance, Insurance and Commerce Committee for big contributions. Members John Knox, Alister McAlister, Louis Papan and Bob Wilson received contributions of $800 to $1,000 each; former committee members John Foran and Wadie Deddeh received $1,000 each.

Several banks made additional contributions. BankAmerica Corporation, the Bank of America holding company, was the largest donor. It gave out $59,700, most of it to 18 Senate candidates and 52 Assembly candidates in amounts of $200 to $500. California's five largest banks were also those spending the largest sums during the campaign:

Bank of America, $59,700; Security Pacific, $34,500; Wells Fargo, $14,580; Crocker, $14,370; and United California Bank, $13,570.

1974 Legislative Contests

SENATE	
total raised	$1,507,299
total spent	1,491,900
winners raised	1,117,024
winners spent	1,125,779
losers raised	390,775
losers spent	366,121
ASSEMBLY	
total raised	4,829,524
total spent	4,432,739
winners raised	3,237,903
winners spent	2,803,214
losers raised	1,591,621
losers spent	1,629,525

UTILITIES. California's four big electrical utilities — Pacific Gas & Electric, California Edison, Pacific Lighting, and San Diego Gas and Electric — contributed $150,000 during the campaign. The biggest donor was Southern California Edison, which spent $47,000 on five proposition campaigns. Pacific Lighting of Los Angeles, the only utility to give sizable contributions to candidates for statewide office, gave heavily to Republicans; Flournoy and Younger received $10,000 each and Bagley got $1,250. Pacific Lighting gave to 11 candidates in 9 Senate races and to 36 Assembly candidates.

The four utilities contributed the following amounts:

Southern California Edison, $47,200; Pacific Lighting, $42,100; Pacific Gas and Electric, $29,100; and Southern California Gas and Electric, $15,850.

RETAILERS. The California Retailers Association, through its *"Retailers' Good Government Council"*, handed out $133,000 during the campaign for general election. The 100-member association collected its funds from such department store and supermarket chains as Macy's, Montgomery Ward, J.W. Robinson Co., and Safeway. Statewide, the retailers backed Democratic candidates: Jerry Brown ($5,000), Jesse Unruh ($5,000), Ken Cory ($4,000), Mervyn Dymally ($3,000), and March Fong Eu ($2,000).

A number of large firms made additional contributions on their own:

Carter-Hawley-Hale, $58,100; Thriftimart, Inc., $25,000; May Department Stores, $22,200; Bullock's, $17,600; and J.W. Robinson Company, $15,800.

TIMBER INDUSTRY. The state's badly depressed timber industry handed out $44,000, mostly to Republicans. The *"Evergreen Association"*, with funds from such firms as Georgia-Pacific, Louisiana-Pacific and Masonite Corporation, gave $18,700 to 10 Senate candidates and 39 Assembly candidates. The largest amounts went to candidates in the state's northern timber-producing districts. Incumbent Assemblywoman Pauline Davis of the 1st District received $3,000 from the "Evergreen Association" and incumbent Republican Eugene Chappie of the 3rd got $1,000. Democrat Eugene Banker, who lost the Senate's 1st District race to environmentalist Peter Behr, also received $1,000.

The Idaho timber firm, *Boise-Cascade*, a major landowner in California, gave out $15,600. Flournoy received $3,000, Harmer $3,500, and Younger $2,000.

AGRICULTURE. California "agribusiness" contributed large sums, usually through trade groups, much of it to Republicans. *The Western Growers Association*, a group of vegetable and melon farmers, spent $109,600, of which Flournoy received $51,200 and Harmer $38,000.

California Canners and Growers, a 900-member cooperative of fruit and vegetable farmers, distributed $17,275 to 20 candidates, 14 of them Republican. Flournoy picked up $5,500 and Senate incumbent Clark Bradley, who lost to Democrat Jerry Smith, $1,000. Senators George Zenovich, Walter Stiern and John Stull, members of the Senate's Agriculture and Water Resources Committee, each received $500. Ten past and present members of the Assembly's Agriculture Committee also received $500 apiece.

The California Canning Peach Association contributed to Flournoy and Harmer through its "Growers for Effective Government Committee".

Heggblade-Marguleas-Tenneco gave out a total of $46,000 to several Democrats as well as Republicans. Flournoy and Zenovich each received $8,500; Dymally, Unruh and Cory got $1,000 each; Senator James Mills, president pro tempore of the Senate, and Senator Dennis Carpenter, GOP caucus chairman, also got $1,000 each.

HORSERACING. The state's horseracing lobby contributed more than

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

$200,000 to statewide and legislative candidates, favoring incumbents of either party in the latter. Oak Tree Racing Association split its $20,000 equally between Brown and Flournoy. The Quarter Horse Racing Association, which spent $14,600, gave equal sums to Democrat Cory and Republican William Bagley, rivals for controller.

The five big racing spenders were:

Hollywood Park, $49,000; Santa Anita Race Track, $43,900; Los Alamitos Race Course, $32,400; California Thoroughbred Committee, $25,250; and Oak Tree Racing Association, $20,000.

BUSINESS CONTRIBUTIONS. While most business contributors backed incumbents of either party, some chose candidates ideologically. The oil-drilling and engineering firm, ***Fluor Corporation*** of Los Angeles, a traditional source of Republican campaign funds, spent $79,000 during last year's general campaign, about $42,000 of it on Republican candidates and committees, the rest on proposition campaigns. Flournoy received $15,000, and Harmer and Van Camp got $5,000 each. ***Rohr Industries,*** an aircraft and mass-transit manufacturing firm in Chula Vista, gave out $41,200. Flournoy received $7,800 and Harmer received $4,500. Nineteen of the 23 candidates to receive Rohr contributions were Republicans.

Democratic candidates apparently got as much help from business firms as did Republicans. ***Auburn Manor Holding Company*** gave out $117,000, mostly to Democrats. Brown received $60,000 and Dymally got a $40,000 loan; Norris picked up $6,200, March Fong Eu $5,600.

Excel Mineral Company of Santa Barbara, which spent $30,000, gave only to Democrats. Five of the six candidates for statewide office got at least $1,000 each; Brown received $15,200, and Norris $6,500. Five Assembly candidates and three Senate candidates also received contributions of at least $1,000.

Southern Pacific, the state's largest private landowner, spent $42,300, mostly on Republicans.

Some other firms that spent substantial amounts:

Dart Industries, $32,300; Kaiser Steel, Kaiser Cement and Kaiser Industries, $31,100; MCA, $30,000; Challenge-Cook Brothers, $30,000; Bechtel Companies, $25,800; Foremost-McKesson, $24,100; Del Monte, $23,300; and Crown-Zellerbach, $22,100.

INDIVIDUAL MAJOR DONORS. ***David Packard,*** chairman of Hewlett-Packard and, briefly, finance chairman for Gerald Ford, lent Flournoy $150,000 and gave him $7,500. Packard also gave $3,000 to Harmer and $4,000 to Bagley. ***William Hewlett,*** president of the firm, gave $36,800. ***Donald Bren,*** Flournoy's principal finance chairman, gave or lent his candidate $61,500. Constance B. Reynolds of San Francisco gave Flournoy $78,000. Oilman ***Henry Salvatori*** gave Flournoy $5,000 and Younger $2,000. Steel manufacturer ***Earle Jorgensen*** gave Flournoy $10,000.

The high-rollers of 1974 were two highly publicized Orange County Democrats, physician ***Louis Cella*** and land-developer ***Richard O'Neill.*** The two had helped Cory during the Democratic primary for controller with "loans" totaling $508,400. During the general, they gave or lent Cory almost $80,000. Cella and O'Neill also gave $19,000 to Brown and $5,000 to Orange County Democrat Frank Barbaro (who lost in his bid to unseat Republican State Senator Dennis Carpenter).

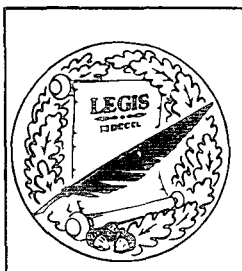
Max Palevsky, former Xerox executive and backer of George McGovern, gave generously to several assemblymen and lent $60,000, later "forgiven", to William Norris. Palevsky's former wife, Joan, gave $139,000 during the campaign, including $74,000 to Norris and a $50,000 loan to Brown. Entertainment executive ***Lew Wasserman*** of MCA gave $19,000 to Brown. ***Ed Daly,*** head of Oakland's World Airways and instigator of the Vietnamese "babylift", gave $10,000 to Brown, nearly as much to Flournoy, and donated another $5,000 to Dymally and $12,500 to Senator George Moscone's brief gubernatorial flirtation. San Diego industrialist ***Cornelius Dutcher*** spent $89,500, mostly on Democrats. Other individuals who contributed generously (between $10,000 and $25,000) were San Francisco businessmen ***Walter Shorenstein, Cyril Magnin, Melvin Swig,*** Los Angeles economist ***Stanley Sheinbaum,*** and Beverly Hills executive ***Nathan Shapell.***

OUT-OF-STATE MONEY. Many of the campaign contributions from outside California came from labor unions to Jerry Brown. ***The Hotel and Restaurant Workers Union of Cincinnati*** gave him $25,000, the AFL-CIO's ***Committee on Political Education*** (COPE) sent $7,000, the ***National Maritime Union*** gave $2,500, and the ***Laborers International Union*** $5,000. COPE also contributed to Assembly and Senate candidates.

Playboy Enterprises spent about $15,000 on candidates in California, about $5,000 of it on Brown. A Milwaukee medical firm and a Louisiana computer company also gave generously to Brown. ***Marion Laboratories of Kansas City,*** spent almost $5,000 on various Democratic candidates.

Roderick Hills, a White House counsel and husband of Carla Hills, secretary of Housing and Urban Development, sent more than $5,000 to California candidates, most of it to Flournoy. Vice President ***Nelson Rockefeller*** gave Flournoy $5,000.

EMPLOYEE COMMITTEES. Some business firms raised and disbursed contributions by means of "employee committees". ***General Telephone's "Employees' Good Government Club"*** made political contributions totaling $82,990. ***Hughes Corporation's "Active Citizenship Fund"*** spent $75,100. And the executives of ***PG&E's*** "Good Government Fund" contributed $15,300.



Key Senate Races

2nd SENATE DISTRICT (Behr vs. Banker)

Republican Peter Behr received strong financial support from both business and labor. The California Teachers Association, his biggest donor, contributed $5,000, and the California State Employees Association, $4,000. Behr also picked up contributions from Bechtel, PG&E, and Standard Oil of California. Democrat Ernest Banker received contributions from several timber companies, including Georgia-Pacific Lumber Company, and Masonite.

	raised	spent
Peter Behr (R)	51,263	40,785
Ernest Banker (D)	39,345	36,086

12th SENATE DISTRICT (Smith vs. Bradley)

Labor unions and public employee groups gave heavily to Democratic challenger Jerry Smith. The San Francisco AFL-CIO's "Committee on Political Education" contributed $5,000, and the CSEA $7,500. Smith, who is now on the Senate's Education Committee, received $10,000 from the California Teachers Association. The medical and dental groups gave Smith $6,000 ($1,000 of it from doctors). Incumbent Clark Bradley got $10,000 from the Senate Republican Caucus and $5,000 from the Republican "United for California" committee. Realtors, bankers, and other business groups supported Bradley with smaller contributions.

	raised	spent
Jerome Smith (D)	91,743	87,249
Clark Bradley (R)	76,378	80,690

34th SENATE DISTRICT (Presley vs. Biddle)

Democratic challenger Robert Presley raised $35,600 more than incumbent Craig Biddle but won the election by fewer than 700 votes. He received $10,000 from the CTA and $5,000 from the CSEA. Presley, now on the Senate's Industrial Relations Committee, received $6,800 in postage and ads from its chairman, George Zenovich. The Senate Democratic Caucus gave $7,000. Biddle picked up $5,000 from the California Dental Association and $2,500 from the California Medical Association. Insurance, real estate, trucking, and agricultural groups also gave.

	raised	spent
Robert Presley (D)	92,779	75,234
W. Craig Biddle (R)	57,133	57,018

(CONTINUED NEXT PAGE)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Key Assembly Races

1st ASSEMBLY DISTRICT (Davis vs. Johnson)

With reapportionment, Assembly incumbents Pauline Davis and Ray Johnson faced each other in the same district, and the California Dental Association gave both candidates $1,000. Speaker McCarthy and his allies gave large sums to Democrat Davis, who raised $10,000 more than her opponent. (Assemblyan Berman gave her $3,500, Assemblyman Alister McAlister $2,500, and McCarthy $2,000.) Davis also had the strong backing of public employee and labor groups. CSEA contributed $5,000, and the California State Association of Electrical Workers $1,250. Republican Johnson raised most of his money from Republican committees and business contributors. The Republican Assembly Caucus gave $5,000 and the Republican-oriented "United for California" $2,500. Trucking, banking and retail sales groups gave smaller amounts.

	raised	spent
Pauline Davis (D)	57,788	48,531
Ray Johnson (R)	47,883	46,627

3rd ASSEMBLY DISTRICT (Chappie vs. Reed)

Republican incumbent Eugene Chappie beat Democratic challenger Baron Reed by 500 votes and outspent him by $24,000. Chappie picked up contributions from timber, agriculture, and banking groups. CSEA gave him $2,500, and the California Dental Association $2,000. Reed picked up $8,000 from the California Teachers Association, and much of Reed's money came from labor unions in amounts of $500 and less.

	raised	spent
Eugene Chappie (R)	62,456	57,264
Baron Reed (D)	33,542	33,220

8th ASSEMBLY DISTRICT (Siegler vs. Maybrun)

Former Sonoma County supervisor Al Siegler, who beat Republican Ed Maybrun by 3,500 votes, picked up large sums from labor groups, business and professional groups, and incumbent Assembly Democrats. (Siegler had a $15,500 surplus.) California Teachers Association gave $2,000 and the San Francisco AFL-CIO's "Committee on Political Education" $1,000. Nine assemblymen, including Speaker McCarthy, gave $3,700. Maybrun depended largely on Republican committees and a few corporate donors.

	raised	spent
Alfred Siegler (D)	61,894	44,118
Edward Maybrun (R)	43,400	42,404

9th ASSEMBLY DISTRICT (Wornum vs. Hill)

Democrat Michael Wornum, a former Marin County supervisor, enjoyed strong support from both business and labor. CTA donated $4,000, and CSEA $1,300; the California Retailers Association gave $1,000 and the Realtors' lobby $750. (Wornum nonetheless ran up a $21,000 deficit.) Republican A. Alan Hill raised less than half Wornum's $65,800. The Republican "United for California" committee, Hill's biggest contributor, gave him $5,000.

	raised	spent
Michael Wornum (D)	65,891	45,526
A. Alan Hill (R)	26,775	27,778

24th ASSEMBLY DISTRICT (Egeland vs. Tweedt)

Assemblywoman Leona Egeland's biggest contributors were the teachers and the state employees. CSEA gave $7,250, and CTA $6,500. The California Dental Association gave another $2,500. Egeland also picked up several contributions from individual women, including $1,500 from Joan Palevsky of Southern California.

	raised	spent
Leona Egeland (D)	65,951	52,714
Peter Tweedt (R)	36,021	34,610

30th ASSEMBLY DISTRICT (Maddy vs. Villa)

Incumbent Republican Ken Maddy had the support of business, and Al Villa the backing of labor and public employees. Maddy got $2,500 from the Realtors' lobby and $2,000 from the dentists; Growers, utilities, and insurance groups gave him lesser amounts. CSEA gave Villa $4,500, and three Democratic assemblymen — Joe Montoya, Willie Brown, and Richard Alatorre — gave $3,200. CTA gave both candidates $1,000.

	raised	spent
Ken Maddy (R)	49,585	35,880
Al Villa (D)	62,821	37,782

33rd ASSEMBLY DISTRICT (Thomas vs. Gonzales)

Democratic incumbent Ray Gonzales had strong support from labor groups and fellow assembly members, but still lost to Republican challenger Bill Thomas, who received most of his contributions from such business and agricultural donors as Shell Oil and Heggblade-Marguleas-Tenneco. The Realtors and the dentists gave Thomas $1,000, and Senator Clare Berryhill gave him $2,500.

	raised	spent
Bill Thomas (R)	45,923	37,743
Ray Gonzales (D)	40,862	41,703

Some shortcomings in the reporting systems

The candidates' filing form, designed by Jerry Brown while secretary of state to conform with the mandate of the Waxman-Dymally Act, is complicated but understandable. Certain parts of the form, however, give misleading figures even if a candidate fills out the form correctly.

The most glaring fault of the campaign filing form is that it did not require listing amounts of money transferred among candidate committees. Candidates running a big campaign — almost all statewide candidates and some running for the Legislature — usually set up several fund-raising committees designed to appeal to potential money-givers of a particular profession, race, social background or geographical area. Candidates shift money from one committee to another for a variety of reasons, and the transferred amount is counted both as a donation and as an expenditure each time.

Another defect was that the form did not require listing "non-monetary contributions" (free labor, rent, or transportation, for example) under "payments" in addition to "contributions". Campaign forms might also have a separate listing for amounts returned by a candidate to a donor, for whatever reason. And files for "major donors" (who gave at least $5,000) are incomplete and often inaccurate. A corporation might be listed there as having given $5,000 while totalled contributions of $15,000 can be found in candidates' campaign statements. "Statements of organization" are required of committees and intermediaries that handle at least $500. The statement is supposed to be a description of a group's political arm or front-group. Most of the committees are euphemistically titled, and the statements tell little about them.

Thus, while the campaign statements of 1974 probably told more about the financial profile of political campaigning than did any previous election reports, they nonetheless fell short of telling all they should of just who gives what to whom in the California election process.

The authors are graduate students in journalism at the University of California Berkeley.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

JUSTICE OR STAR CHAMBER?

Grand jury reform~ coming one way or another

By Blake Thomson

California's grand-jury system has been simmering in a cauldron of controversy for a number of years, and the brew may at last be about to emerge as something resembling reform — how palatable will depend on one's taste for the rights of the accused.

Pressing the issue now is the California Supreme Court, which in a recent decision held that prosecutors must inform grand juries of any evidence supporting a prospective defendant's innocence. The ruling focuses attention on the need to reform the state's grand-jury system to protect an individual from what Supreme Court Justice Stanley Mosk called "the trauma of a felony trial without even cursory consideration of his side of the story." But the grand-jury system has been attacked along many lines in recent years, each taking aim at a different aspect of procedure.

Two functions

The grand jury performs two basic functions:

- *It studies felony cases, almost always at the request of the district attorney and, when convinced of a suspect's possible guilt, issues an indictment calling for a trial.*
- *It investigates the general honesty and efficiency of county government, and issues a report at the end of its annual term evaluating the county's performance. (The authority to investigate city affairs is very limited.)*

Most of the criticism is aimed at some part of the indictment procedure. When a district attorney or a deputy proceeds to prosecute a felony case, two options are open: seek a preliminary hearing at which a judge will decide if the evidence warrants a trial, or ask the grand jury to issue an indictment. On an average, fewer than 5 percent of all felony cases are taken to grand juries, which spend perhaps 80 percent of their time investigating local government.

Indictments are nonetheless important. In 1972, county grand juries in California issued nearly 2,500 of them, and some critics, including members of the state's highest court, argue that the indictment procedure, unlike the preliminary hearing, denies the accused several fundamental rights.

At a preliminary hearing, the attorney for each side presents his or her case; both sides can call and cross-examine witnesses; and the defendant may speak on his or her own behalf. An indictment session before a grand jury, on the other hand, is almost always one-sided in favor of the prosecution. The sessions are held in secret; only the prosecutor, the jurors and witnesses may attend; the accused does not have the right to be present or represented; the only witnesses are usually those called by the prosecution, and jurors may only ask them written questions cleared in advance by the prosecutor. Furthermore, indictments may be issued not only against people who have been arrested but also against persons who are at large and perhaps unaware that any allegations have been made until after the indictment.

'Star Chamber' proceedings

One Northern California judge summarized the situation this way: "The indictment gives the defendant no right to appear and face his accusors at a critical stage in the criminal procedure. This is basically inconsistent with the rights we afford people in this country." Justice Mosk was blunter: "In its raw state, the proceeding raises the specter of the Star Chamber — the prosecution is able to 'dry run' its case in secrecy, and the jurors are able to do little more than rubber-stamp the recommendation of the district attorney." This, Mosk concluded, constitutes a violation of due process and equal protection under the law.

Some prosecutors argue that no harm results from the imbalance of an indictment session. A weak case might get past the grand jury, they say, but fail in court. As a consequence, a prosecutor would only go to the grand jury, so the argument runs, with a case strong enough to be presented to a judge. Defense attorneys counter that a quick indictment gives the prosecutor time to try to strengthen a weak case, hoping that new evidence will be discovered before the judge can review the indictment transcript to weigh its merits. Since a prosecutor can choose whether to go to the grand jury or ask for a preliminary hearing, there are surely times when the former route is taken to buy time. But what if the suspect accused under such conditions is blameless? Judges threw out about 13 percent in 1972, compared to 8.9 percent for cases sent to preliminary hearings.

Cost and efficiency

Defenders of the indictment system maintain that secret, one-sided sessions nonetheless save a great deal of time and money while also protecting many innocent people. District attorneys say that in a complex case involving many witnesses, or in a situation in which many people are simultaneously alleged by a few witnesses to

---

The author previously contributed "What it takes to float a third party," which appeared in the March 1975 issue of the Journal.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have committed the same crime, the amount of staff time saved by going to the grand jury can be considerable. If every complex case were handled through an adversary procedure, it is argued, any of the following might be expected to occur:

- *The backlog of unprocessed cases would grow.*
- *Fewer cases would be prosecuted.*
- *The amount of plea-bargaining would increase.*
- *Most district attorneys would have to enlarge their staffs.*

But the efficiency argument is not the only one used in support of the present system. Because an indictment session is secret, it is maintained, the reputation of an innocent suspect who has not yet suffered arrest can be protected and, if no indictment is issued, few will know that the person was investigated. On the other hand, a preliminary hearing is open to the public, including the press. However, given the fact that grand juries rarely refuse to issue indictments requested by prosecutors, the protection provided innocent suspects by grand juries has to be, at best, limited.

Still another argument advanced in favor of the current procedure is that it allows formal legal action to be initiated against an accused person still at large when the statute of limitations is about to run out (in California, usually three years after a crime). Since the accused has no right to be present at an indictment session, the grand jury can indict any time before the statute of limitations expires, even if the accused cannot be found.

Selection process

The process by which the 19 grand-jury members are selected (23 in Los Angeles) may also work against the accused. In California, nominees for service on *trial* juries are selected randomly in each county on the theory that this guarantees a defendant a "jury of peers". But in most counties nominees for *grand* juries are chosen by Superior Court judges through a procedure that varies from county to county but generally allows considerable discretion. In most counties, the judges nominate personal acquaintances or friends of friends, sharply narrowing the scope of representation. The result tends to be a Caucasian "blue ribbon" panel drawn heavily from older, established, well-educated, upper-income business or professional people.

One county-wide study based on data drawn primarily from 1962 and 1968 revealed that about 94 percent of all Los Angeles grand-jury nominees were people whose occupations were classified as professional, technical, managerial, proprietary or sales; 74 percent of them had attended college, 41 percent were at least 65, 48 percent were 45 to 64 years old, none was under 35 and only 11 percent were under 45. Moreover, fewer than 5 percent were Blacks or Mexican-Americans, even though these groups together accounted for about 25 percent of the county's population by 1970.

In San Diego County from 1962 to 1971 no member of the grand jury was a blue-collar worker, no one under 30 served, and from 1968 to 1971 only 14.86 percent of the jurors were younger than 45.

Corrective action

A 1968 study by California Rural Legal Assistance covering 20 counties over 10 years found that the disparity between the percentage of the population with Spanish surnames to grand jurors with Spanish surnames was at least 2 to 1 in 18 of them; it was nearly 14 to 1 in Monterey County and 16 to 1 in Orange County.

Some counties are attempting to avoid charges of judicial cronyism by relying partly or wholly on lists of randomly selected grand-jury nominees. In Sacramento and Butte counties, for example, the jury commissioner draws a random list of nominees from the counties' list of registered voters. El Dorado County recently began selecting initial nominees randomly from its assessment roles.

Random selection of initial nominees does not necessarily guarantee that a grand jury will contain a cross-section of the community, though it clearly broadens representation. If the nominees are selected from assessment roles, for example, only those affluent enough to own property are selected. Moreover, providing judges with a list of randomly chosen registered voters does little to reduce the judges' discretion in choosing final nominees unless the judges must choose (as in Butte County) only from that roster. In the first three years that a random list was used in Sacramento County, about a quarter of the final nominees were not chosen from the initial random list. But even if the judges are required to choose strictly from a randomly chosen roster, their personal discretion remains considerable if the list is long.

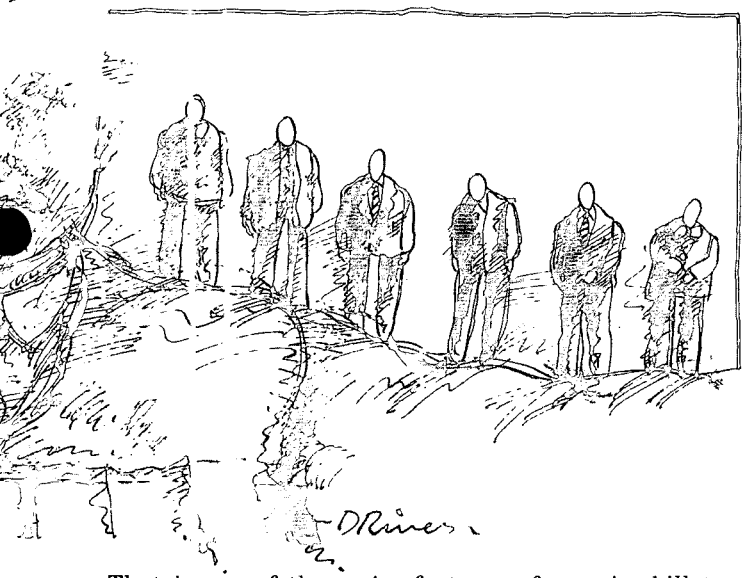
Several suggestions have been offered to make the grand jury more representative. Nominees could be chosen from among the county's licensed drivers, for example. Or a certain percentage of them could be drawn from welfare lists.

Question of competence

This raises a question of competence since the juries must also conduct civil investigations into the complex activities of county government. Such an investigation can be conducted only by people who know something about the machinations of government bureaucracy and fiscal procedures. While the grand jury may hire an auditor, the jurors must know how to use such an expert. Affluence, of course, is no assurance of competence in understanding local government; nor is a degree. (That's why it is not uncommon for a committee of jurors to ask the head of the department under investigation if there is anything wrong going on!)

Still, if well-educated laymen find it difficult to oversee county government, would the situation be improved by lowering the general level of education? "As long as the grand jury that indicts also watches over the conduct of county governmental affairs," the *Pacific Law Journal* noted, "judges will continue (if possible) to select grand juries with an eye to the latter function. . . ." Therefore, it has been proposed that two grand juries be created — one chosen at random to investigate felonies and consider indictments, the other to oversee government.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



That is one of the major features of a major bill to reform grand juries — Assembly Bill 352, which reposes in the Senate Judiciary Committee. AB 352 would require the six California counties with populations exceeding 700,000 to have separate civil and criminal grand juries; in each of the 22 counties with populations from 100,000 to 700,000, the presiding Superior Court judge would have the option of calling for two separate panels or for one dual panel. A similar option would be available in each of the 30 counties with fewer than 100,000 inhabitants, but the judge would not have to convene the indictment panel unless requested to do so by the district attorney or the state attorney general.

Under this system, if a strictly civil panel discovered criminal activity, it would turn the relevant information over to the indictment panel, which would investigate the matter alone, unless the presiding Superior Court judge authorized a joint investigation. This bill would require random selection for all separate indictment panels and for most dual panels. It also attempts to assure that the random-selection process will really be random by spelling out a system to eliminate virtually all discretion on the part of Superior Court judges in selecting final nominees for any randomly chosen grand-jury panel.

The bill's author, the late Assemblyman Edwin Z'berg, asserted that if most counties had two grand juries, each with a separate function, the grand-jury system as a whole would be more efficient. "Each grand-jury panel would have more time to focus on a particular area," he explained, "and because the jurors would develop more expertise the focus would be clearer."

Some modifications

Originally, the American Civil Liberties Union fought earlier versions of the Z'berg bill, partly because these did little to reduce the one-sidedness of the indictment process and nothing to prevent a sudden increase in indictments by making juries more efficient. The present bill as amended in the Assembly Criminal Justice Committee would, however, forbid a district attorney from seeking an indictment except under certain circumstances — such as if the suspect were a public official, or if the statute of limitations were about to expire, or if cross-examination were likely to cause a witness to suffer exceptional psychological stress, or if a public preliminary hearing would jeopardize the security of those involved, or if the case were exceptionally complex.

The current bill would also require that a court reporter be present throughout the entire proceeding (not now the case) and that every statement be recorded. Beyond that, however, AB 352 would leave intact most of the advantages a prosecutor now enjoys.

Coming to a boil

Z'berg's bill thus remains vulnerable to attack from both proponents and critics of the present grand-jury system. It did manage, however, to get farther along the legislative process than have any of its many predecessors (a number of them carried by Z'berg). But, as suggested by the state Supreme Court's recent action in compelling prosecutors to reveal any evidence in support of the innocence of a suspect, the judicial branch itself may at last be joining the reformers. As Justice Mosk said in the wake of the high court's ruling: "[It] proposes a mere analgesic to ease the procedural pain instead of probing the need for substantive corrective surgery."

So the question may be whether reform will come through the Legislature or through appeal in the state's judiciary, or perhaps through both.

NEWSMAKERS

Whetmore's death-wish

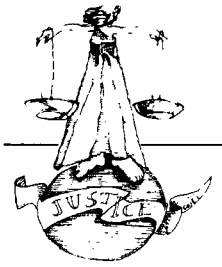
State Senator **James E. Whetmore,** an Orange County Republican, appears to have a political death-wish. The latest in his series of highly publicized gaffes involves a letter the Senator wrote Commissioner Glen Craig of the California Highway Patrol, suggesting that Patrolwoman Cassandra Etter be taken off the street for supposedly telling him to "move it on, buddy" at a Pepperdine University traffic jam. Whetmore is expected to face primary opposition next year from GOP Assemblyman **John Briggs.** . . . Dr. **William Banowsky,** Pepperdine's president, resigned as California's Republican national committeeman to concentrate on campus problems.

Two of California's most articulate politicians, conservative former Congressman **John G. Schmitz** and semanticist **S.I. Hayakawa,** announced their candidacy for the Republican nomination for the United States Senate seat held by Democrat John V. Tunney. . . . Assembly Republican caucus chairman **Frank Murphy,** 41, announced that he will not seek reelection and instead will practice law in Santa Cruz. . . . **Mildred Younger,** wife of Attorney General Evelle J. Younger and one-time GOP nominee for state senator from Los Angeles, regained her speaking voice through surgery after 17 years of being unable to talk.

Supervisor **Sandra Smoley** of Sacramento was elected second vice president of the County Supervisors Association, putting her in line to be elected in 1977 the first female president of the organization.

Appointments by Governor Brown: **Margaret Ann Shaw,** a teacher at UCLA Extension and Negro community leader, as a member of the Commission on Judicial Qualifications; **Lewis F. Moran,** career civil servant, as director of the Department of Conservation; **Carl J. Schmitt,** a financial consultant from Menlo Park, as state superintendent of banks; **Clyde A. Wahrhaftig,** a University of California professor of geology, as a member of the state Board of Forestry.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



SIGNIFICANT COURT ACTIONS

'Down-grading', not condemnation

In the latest in a long line of land-use decisions, the California Supreme Court has ruled once again that a zoning change that reduces the market value of land does not entitle a landowner to receive damages from the public. Property-owners have tried over the years to establish the principle that "down-zoning" constitutes inverse condemnation and that damages must therefore be paid.

The 6-1 opinion in *HFH* v. *Superior Court* and *Von's Grocery* v. *Superior Court* was written by Justice Mathew O. Tobriner, joined by Chief Justice Donald Wright and Justices Marshall McComb, Stanley Mosk, Raymond Sullivan and Frank Richardson. A dissenting opinion was filed by Justice William P. Clark. The case involved a five-acre parcel in Cerritos, Los Angeles County, purchased while zoned for commercial use. The city subsequently rezoned it for residential use, drastically reducing the market value.

The court rejected the claim that the city should pay for the down-zoning, despite a provision in the state Constitution requiring compensation when property is "taken or damaged". The majority found that this language has never been interpreted to require compensation in such cases. Quoting from an earlier decision, the court emphasized: "Incidental damages to property resulting from governmental activities or laws passed in the promotion of the public welfare are not considered a taking of the property for which compensation must be made."

Clark wrote in dissent: "It seems very difficult in reason to show why the [government] should not pay for property which it destroys or impairs the value of, as well as for what it physically takes."

Carpetbagger or resident?

In a unanimous decision, the Supreme Court narrowed the residency requirement for candidates seeking local office to a maximum of 30 days before filing nomination papers. Two justices expressed concern, however, about opening up local elections to carpetbaggers. And Mosk filed a concurring opinion stating that the residency requirement should be even more lenient. ("In this field, as in so many others," Most wrote, "perfection eludes definition as well as attainment.")

The ruling invalidated a Long Beach Charter provision requiring one year of residency. The provision was challenged by Wayne C. Johnson, who had been ruled ineligible to run for the City Council because he had not lived in the city a year.

The court, in a decision written by Richardson, made it clear that the ruling applies only to local offices. He said that current apathy among the populace toward the political process "suggests the wisdom of widening rather than narrowing the candidate options open to the public."

'Chilling' free speech

California's Fair Political Practices Act (Proposition 9) forbids a lobbyist from "arranging" a political contribution. The state's Fair Politician Practices Commission claims that this means that an advocate cannot give his or her employer a recommendation or advice on a contribution. The commission said, however, that a lobbyist may provide factual information to the employer.

In *Institute of Governmental Advocates* v. *Younger,* a group of 35 Sacramento lobbyists challenged the interpretation by the commission. And Superior Court Judge Harry H. Hupp of Los Angeles County in mid-November granted a preliminary injunction against enforcement of the "arrange" provision as interpreted by the commission. Hupp made it clear that the injunction would allow "mere advice" but nothing more. The judge said that "the 'chilling effect' on free speech would appear to be substantial if a preliminary injunction is not issued."

Hupp eventually will conduct a trial on whether to make the injunction permanent. If such a ruling results, the commission has indicated its intention to appeal it.

Selected government reports

Energy Alternatives for California: Paths to the Future; Rand Corporation, 455 Capitol Mall, Suite 525, Sacramento 95814. 62 pp., September 1975. Summary report for the Assembly Committee on Resources, Land Use and Energy on overlapping ramifications in planning and managing the state's short-term energy needs and sources.

Electoral Analysis of the Clean Water Bond Law of 1974: Patterns of Support in a Continuing Environmental Issue; by Ted C. Radosevich, Institute of Governmental Studies, U.C. Berkeley. 85 pp., 1975. Analyzes demographic traits and attitudes affecting voting on environmental issues, particularly the "Clean Water Bond Law of 1974."

The RISE Report: Report of the California Commission for Reform of Intermediate and Secondary Education, Department of Education, P.O. Box 271, Sacramento 95802. 1975. (58 pp., 85¢, plus tax.) Emphasizes that the education of youth cannot be equated with schooling alone.

The College Student and Higher Education Policy: What Stake and What Purpose? By Scott C. Wren, Carnegie Foundation for the Advancement of Teaching, 2150 Shattuck Ave., Berkeley 94704. 60 pp., 1975. Draws together Commission on Higher Education's proposals concerning students, particularly favoring removal of financial barriers and increasing educational options.

Postsecondary Alternatives to Meet the Educational Needs of California's Adults; by Richard E. Peterson, J.B. Lon Hefferlin, et al., 1116 Ninth St., Room 34, Sacramento 95814. 186 pp., 1975. Summary of a two-year study of alternative to full-time enrollment and standard curricula.

An Immediate Need for Enrichment in the Office on Aging; California Auditor General, 925 L St., Sacramento 95814. 33 pp., October 1975. Identifies serious operational and fiscal problems in the Office on Aging, with recommendations for correcting them.

Legislative Openness: A Special Report on Press and Public Access to Information and Activities in State Legislatures; Citizens Conference on State Legislatures, Suite 225, 4722 Broadway, Kansas City, Mo. 64112. ($3) 1975. Points of view on openness of legislative activities, record-keeping, and facilities for press and public.

Criminal Justice Statutory Index; Council of State Governments, 85 Post St., Suite 400, San Francisco 94104. ($4) Index of the legislative status of selected criminal justice issues.

A Report to the Judicial Council on Guidelines for Determining the Impact of Legislation on the Courts: Judicial Impact Analysis Project, Second Year Findings and Recommendations; prepared for Judicial Council of California by Ralph Anderson and Associates under state and federal grants. 100 pp, 1975. Available from the author, P.O. Box 13278, Sacramento 95813.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A WASHINGTON PERSPECTIVE...

By Lou Cannon

The California connection

Stuart Spencer was alive and well in Newport Beach, waiting in vain for Denny Carpenter's campaign for the United States Senate to become airborne. Franklyn Nofziger was struggling with a political consultant business in Sacramento. Peter Kaye was bored with a high-sounding but undemanding job at a San Diego bank.

Now, these political-minded Californians have a purpose in life once again. Thanks to Ronald Reagan, the California connection in national politics that was severed by Richard Nixon's resignation has been restored. It is old home week at the President Ford Committee, where Spencer is managing the political operation with the easy irreverence that distinguished him in California. Kaye, a former newspaper and television reporter in California and Washington, is the committee's press secretary. Assorted other Californians are lodged at strategic points, among them Skip Watts, who used to be a deputy to Republican National Committeeman Tom Reed in the Reagan heyday in California. Watts is in charge of organization in the primary states.

Down the street at the Reagan committee, Nofziger is plotting public relations strategy for his candidate. Nofziger, who served as Washington political correspondent for Copley Newspapers before hitching onto the Reagan comet in 1966, is familiar with the folkways of the Washington press corps. By the time Reagan got around to declaring his candidacy on November 20th the former California governor already had received far more coverage than many of the long-declared Democratic presidential candidates. And Reagan's pre-campaign publicity has been far more favorable than Gerald Ford's.

* * *

Nofziger's stock-in-trade in political P.R. is to plant stories favorable to his candidate or harmful to the opposition. One of Spencer's trademarks in the days when he was the hyphenated partner in the California political management team of Spencer-Roberts, was to provide bright, obscure young businessmen who came out of the woodwork to play important community roles in some statewide candidate's campaign, in the process providing new grassroots leadership for the Republican Party. Nowhere was this more evident than in the 1966 Reagan campaign, in which both Spencer and Bill Roberts were determined to keep the troglodyte conservatives of Southern California out of leadership positions. Reagan readily saw the wisdom of this. Now, Spencer is repeating the pattern on a national scale. He is confident that Reagan can be out-organized in the primary states and that organization will translate into votes on election day.

While Nofziger is valuable at Reagan headquarters, Spencer is indispensable for Gerald Ford. This is partly because of Spencer's demonstrated talents and partly because the Ford campaign is under the nominal direction of Howard (Bo) Callaway, an amiable and wealthy Georgian whose inexperience in national campaigning is more than matched by his political incompetence. Back in 1968, when Richard Nixon was presenting himself as a moderate, Callaway served as Nixon's Southern campaign coordinator. He almost undid the Nixon strategy in his role by proclaiming to Mississippi Republicans that George Wallace should join the Republican Party. As Jules Witcover has written, this Callaway goof gave Nixon's opponents an opportunity to present Nixon as a candidate courting racist votes. Nixon disavowed the statement though stopping short of John Mitchell's suggestion to fire Callaway. But that convinced the Nixonites that Callaway was, at best, a lightweight politician. Now, he has been rescued by Ford, who knew him and liked him in Congress and has no demonstrated prejudice against lightweights. Nevertheless, Spencer is, for all practical purposes running the campaign.

* * *

Spencer, Watts and Kaye have a vague sense of *déjà vu* these days. They have seen it all before, from a different vantage point, in the days when Reagan was running against Pat Brown. It took the Brown people the longest time to take Reagan seriously, a mistake that was repeated this year by people who should have known better in the Ford White House.

The incumbent, as in California a decade ago, does not seem blessed with good luck, consistency or oratorical gifts. He is a decent man (as was Pat Brown) with a steady 47 percent approval rating in Gallup. But Ford leaves something to be desired as a presidential politician, particularly in his sense of timing. It was in North Carolina, where the Ford committee thinks that Reagan is ahead, that the President decided to try a trial balloon for a Black vice president. And it was on the day that unemployment figures rose in New England that Ford declared in Boston his undying optimism about the upward trend in the economy. Such talk makes the professional pols — particularly those who take Reagan seriously — rather nervous. There is a growing belief at the Ford committee that it might be better for their tiger if he made very few political speeches in situations where he can be directly compared with Reagan. These pols, Spencer among them, think that Ford can do more for his candidacy in China, or maybe even in Vail, than he can in New Hampshire. They would rather force Reagan to run against "The President" than against a pleasant former congressman named Ford.

* * *

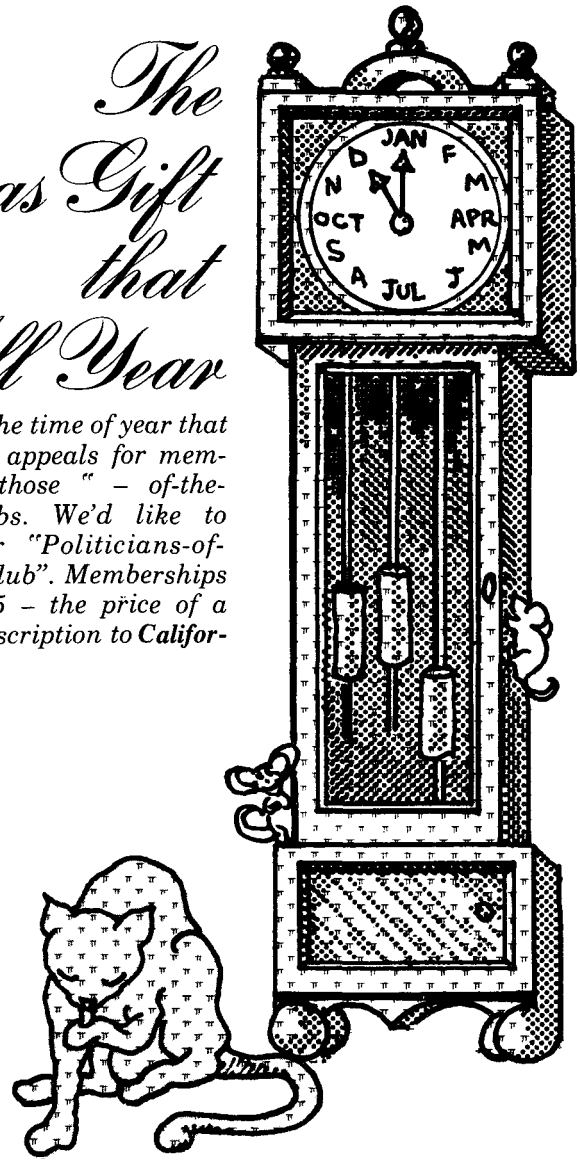
It is not surprising that Stu Spencer and his friends have come to Washington. As Californians, they are in the right place at the right time. The traditional "citizen politics" of California, where parties are weak and distrust of politicians is high, perfectly foreshadowed the presidential politics of modern America, with its emphasis on candidate personality rather than thematic issues. This individualism was enhanced by Vietnam and Watergate, which made "a politician" a symbol of mistrust.

Reagan, with his anti-political rhetoric, is admirably suited to this mood. He rode the crest of the anti-political wave to the governorship in 1966, and he is prepared to ride it again as it breaks over carefully selected primaries. Whether the wave carries Reagan into the White House or out to sea may have much to do with the way his one-time strategist, Stu Spencer, meets the Reagan challenge. The California connection is vital to Michigan's Gerald Ford.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Christmas Gift that Lasts All Year

This is the time of year that brings those appeals for membership in those " – of-the-month" clubs. We'd like to suggest our "Politicians-of-the-Month Club". Memberships are only $15 – the price of a one-year subscription to ***California Journal.***



If you act now, we will see that your new subscribers receive a specially prepared card from us informing them of your generosity and thoughtfulness. Their first issue can start with whatever month you specify, and the January 1976 ***California Journal*** *will reach them during the holiday season.*

With a ***California Journal*** *gift subscription, your season's greeting is renewed as each succeeding issue arrives. And if you include payment with your order, we'll see to it that your friends and relatives receive a bonus – an additional month, 13 issues instead of 12.*

The big political drama of 1976 is getting under way. And no one analyzes the California political scene with the nonpartisan panache and perspective that ***California Journal*** *brings to it. If you like the magazine, won't your friends enjoy it as well?*

So send your gift list now to our subscription manager at 1617 10th Street, Sacramento 95814. Or call her at (916) 444-2840.

California Journal *– the monthly gift that gains in value with each page of the calendar, informing, stimulating, entertaining.*

All politicians are a little mad, or they would be engaged in some other form of activity.

—Charles McCabe

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED